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VIA ELECTRONIC FILING

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Re: Tempo Telecom, LLC
Application for Designation as an Eligible Telecommunications Carrier

Dear Ms. Boyd:

Enclosed for filing please find the Application of Tempo Telecom, LLC ("Tempo Telecom") for designation as an eligible telecommunications carrier in South Carolina. Tempo Telecom seeks the designation throughout the non-rural South Carolina service areas for the purpose of receiving federal low-income universal service support for prepaid wireless service, specifically Lifeline. Tempo Telecom does not seek the ETC designation for the purpose of receiving federal support from the high-cost support mechanism. We are providing a copy of the application to the Office of Regulatory Staff by copy of this letter.

If you have any questions, please have someone on your staff contact me.

Very truly yours,

ROBINSON, MCFADDEN & MOORE, P.C.

Bonnie D. Shealy

/bds
Enclosures

cc/enc: Mr. Dan F. Arnett, ORS Chief of Staff (via U.S. Mail)
Nanette Edwards, ORS Chief Counsel (via email)
Angela Collins, Esquire (via email)

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

IN RE:)	
)	
APPLICATION OF TEMPO TELECOM,	)	Application for Designation as an
LLC FOR DESIGNATION AS AN	)	Eligible Telecommunications
ELIGIBLE TELECOMMUNICATIONS	)	Carrier
CARRIER IN THE STATE OF SOUTH)	
CAROLINA)	
)	

I. INTRODUCTION

Tempo Telecom, LLC (“Tempo” or the “Company”), pursuant to Section 214(e) of the Federal Communications Act of 1934, as amended (the “Act”), 47 U.S.C. § 214(e), the implementing rules of the Federal Communications Commission (“FCC”), and 26 S.C. Code Regs. 103-690 (Supp. 2011) hereby requests that the Public Service Commission of South Carolina (“Commission”) designate Tempo as an Eligible Telecommunications Carrier (“ETC”) in South Carolina (“Application”).¹ Tempo seeks ETC designation for Lifeline support only to provide prepaid wireless services to qualifying South Carolina consumers. The Company will not seek access to funds from the federal Universal Service Fund (“USF”) for the purpose of participating in the Link-Up program or providing service to high cost areas.²

¹ This Application is being filed in accordance with the Commission’s ETC designation rules and the rules adopted by the Federal Communications Commission (“FCC”) in *Lifeline and Link Up Reform and Modernization*, 27 FCC Rcd 6656 (2012) (“*Lifeline Reform Order*”).

² Since Tempo seeks only Lifeline support from the low-income program and does not seek any high-cost support, ETC certification requirements for the high-cost program are not applicable to the Company.

As demonstrated by this Application, and as certified by Christopher J. Bunce, in the Affidavit and Certification attached as **Exhibit 1**, Tempo meets all the statutory and regulatory requirements for designation as an ETC in the State of South Carolina. Tempo respectfully submits that designation of Tempo as an ETC in South Carolina will serve the public interest and requests that the Commission grant this application expeditiously.

Correspondence or communications pertaining to this Application should be directed to the Company's attorneys of record:

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With a copy to its national counsel:

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II. UNIVERSAL SERVICE OFFERING

A. Company Overview

Tempo is a Georgia limited liability company with offices located at 3060 Peachtree Road NW, Suite 1065, Atlanta, Georgia 30305 and 2300 Main Street, Suite 340, Kansas City, Missouri 64108. Tempo is a commercial mobile radio service ("CMRS") provider, and will

provide prepaid wireless voice and data services in 18 states.³ Tempo has been authorized to conduct business in South Carolina as reflected in **Exhibit 2**. In addition to prepaid wireless Lifeline service as an ETC, Tempo will also provide other prepaid wireless voice and data services in South Carolina.

In November 2012, Birch Telecom of the South, Inc. dba Birch Communications (“Birch”) filed an Application for Designation as an Eligible Telecommunications Carrier in Docket No. 2012-393-C (“Birch Application”). That Application included a copy of the Compliance Plan approved by the Federal Communications Commission (“FCC”). The Compliance Plan noted there was an outstanding question as to whether a separate legal entity should be established to provide prepaid wireless Lifeline service or whether the service should be provided through one of the existing Birch entities.

On December 18, 2012, Birch notified the FCC that the prepaid wireless Lifeline service would be provided by a separate legal entity known as Now Communications, LLC (“Now Comm”). A copy of that filing is attached as **Exhibit 3** (without attachments) (“December 2012 FCC Filing”). In that filing, Now Comm committed to implement and comply with the Compliance Plan, and notified the FCC that it adopted the Compliance Plan as its own. The FCC acknowledged these changes in corporate structure on December 20, 2012 in a public notice attached as **Exhibit 4**. The FCC indicated that the Compliance Plan would apply to Now Comm. In January 2012, Birch amended the Birch Application on file in South Carolina to reflect that the prepaid wireless Lifeline service would be provided by a separate legal entity

³ These states are: Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, Ohio, South Carolina, Tennessee, Texas, and Wisconsin.

known as Now Communications, LLC, but later withdrew the Birch Application due to issues with the “Now Comm” name, and in the interest of administrative economy and efficiency.

Now Comm has since changed its name to Tempo Telecom, LLC. All other statements in the December 2012 FCC Filing apply equally to Tempo. On May 13, 2013, Tempo notified FCC staff of its name change, and filed with the FCC an amended petition for ETC designation in the states for which the FCC handles such designations.⁴ A copy of that filing (without attachments) is attached as **Exhibit 5** (“May 13 FCC Amendment”). Tempo also updated the FCC-approved Compliance Plan to reflect Tempo’s adoption of the plan, which is attached as **Exhibit 6**. All changes made via the May 13 FCC Amendment are incorporated by reference into the Compliance Plan.

Tempo will utilize the same procedures and operations set forth in the FCC-approved Compliance Plan for its provision of prepaid wireless Lifeline service. Except as modified herein and by the May 13 FCC Amendment, Tempo will offer the same prepaid wireless Lifeline service plan set forth in the Compliance Plan, and will market and advertise its prepaid wireless Lifeline service in the same manner as described in the Compliance Plan.

Tempo utilizes the same management and day-to-day operational personnel as currently utilized by Birch. Birch’s current corporate officers also are corporate officers of Tempo, and Tempo is owned by the same ultimate owners of Birch, but is not part of the Birch corporate family. Birch Equity Partners, LLC (a Georgia limited liability company) holds a 100% ownership interest in Tempo. The current owners of Birch (Holcombe Green and R. Kirby Godsey, who in combination hold a 98% interest in Birch) own approximately 90% of Birch Equity Partners, LLC, with the remaining percentage owned by Vincent Oddo, the Chief

⁴ For Tempo’s purposes, these states are Alabama, Florida, North Carolina, Tennessee, and Texas.

Executive Officer of both Birch and Tempo. Attached as **Exhibit 7** is a current list of Tempo's officers, along with biographical information for each, showing that it has the expertise necessary to provide the services specified herein.

Questions concerning the ongoing operations of Tempo following certification should be directed to:

Dave Schmidt
Tempo Telecom, LLC
2300 Main Street, Suite 600
Kansas City, Missouri 64180
(816) 300-1465

Tempo has been granted ETC status in the state of Kansas. Tempo's request for ETC status is currently pending before the FCC, and will cover the states of Alabama, Florida, North Carolina, Tennessee, and Texas. Tempo also has ETC designation applications pending in the states of Georgia, Louisiana, Arkansas, and Wisconsin. Tempo is in the process of filing ETC designation applications in the states of Mississippi, Kentucky, Missouri, Ohio, Illinois, Indiana, and Oklahoma. Tempo has never been denied ETC designation by any state commission or by the FCC in connection with any state.

Exhibit 8 contains a list of each exchange for which Tempo is requesting ETC designation in South Carolina (the "Service Area"). For purposes of providing its prepaid wireless Lifeline and non-Lifeline services, Tempo will resell the wireless services of Sprint, which provides wholesale capacity to many wireless resellers, including other prepaid wireless providers that have received ETC designation. Sprint will provide Tempo with the wireless network infrastructure and wireless transmission facilities needed for Tempo to offer service as a Mobile Virtual Network Operator ("MVNO"). Tempo will rely on Birch for all other facilities,

network, back office, billing, and customer support functions necessary to provide both its Lifeline and non-Lifeline wireless services.⁵

B. Proposed Lifeline Offering

Tempo will resell the wireless services of Sprint. Tempo's Lifeline customers will not have to pay for their mobile devices and will receive a preset amount of free minutes on a monthly basis. Each eligible wireless customer signing up for a Lifeline plan will receive a 911 compliant handset at no cost to the subscriber. There are several handset options with at least one free choice and the possibility of additional choices.⁶ Wireless handsets will be delivered at no charge to qualifying customers, service will be activated, and the minutes will be added upon certification of the customer for Lifeline.

Tempo intends to provide the following Lifeline and Non-Lifeline plans in South Carolina throughout the coverage area of its underlying provider, Sprint:

250 Minute Voice Only Plan	Retail Price
Lifeline	Free
250 Minute Talk/Text Plan (250 nationwide minutes or 750 texts per month)	
Lifeline	Free
Non-Lifeline	\$12.75
150 Minute Talk/Tex Plan (150 nationwide minutes or 450 texts per month)	
Lifeline	Free

⁵ For numerous years, Birch has been providing wireline Lifeline services in 18 states as a non-ETC reseller using resold services obtained from AT&T, and thus Birch is familiar with the eligibility and verification procedures applicable to Lifeline service offerings.

⁶ Tempo is still considering which handsets will be offered, but all handsets will be compliant with all applicable FCC requirements. Handsets will be offered for free in conjunction with the prepaid wireless Lifeline product. Based upon market availability and handset prices, the consumer may have a choice of handsets. Tempo is continuing to evaluate the possibility of offering premium handsets at an additional cost, but a free handset will always be offered to every prepaid wireless Lifeline subscriber.

The terms and conditions for Tempo's Lifeline and non-Lifeline services will be posted at www.mytempo.com.

Lifeline and non-Lifeline customers will have the option to purchase additional minutes anytime during the month that are available for 60 days from purchase 2 months and an option for international calling with per-minute pricing based on the country to be called which will be provided to the consumer when opting for this capability. Additional minutes will be available at the following prices:

<u>Additional minutes</u>	
Minutes	Price
200	13.95
250	16.95
300	19.95
400	25.95
900	49.95

Available minutes are nationwide, and there are no additional charges for toll calling. These additional minutes plans are available for purchase at Tempo's third-party dealer retail locations, via customer service, and on its website.

Lifeline customers who reside in South Carolina have the option of choosing the 250 Minute Voice Only Plan, the 250 Minute Talk/Text Plan or the 150 Minute Talk/Text Plan. Customers choosing the Voice Only Plan will be provided with 250 minutes of voice services without rollover. This plan does not include text messaging, but customers can purchase separate packages for text messaging. The 250 Minute Talk/Text Plan provides an allotment of 250 units of anytime talk and national text messaging, with 3 text messages counting as 1 voice minute. The 150 Minute Talk/Text Plan provides 150 nationwide minutes of talk or 450 texts per month with the ability to rollover unused minutes to the next month.

The Lifeline plans will also include voicemail and custom calling features such as call

waiting, call forwarding, and caller ID, and the option to add wireless data plans for an additional cost (also dependent on handset selected by customer).

Tempo's planned prepaid wireless Lifeline service offering is consistent with the Communications Act's requirement that consumers have access to quality services at "just, reasonable, and affordable rates,"⁷ and is consistent with the FCC's findings that Lifeline consumers should have the option to purchase bundled packages, additional calling features, and optional voice services.⁸

C. Plan Enrollment and Prevention of Fraud, Waste and Abuse

Tempo will comply with the uniform eligibility criteria established in the FCC's *Lifeline Reform Order* and new section 54.409 of the FCC Rules, as well as 26 S.C. Code Regs. 103-690.1(E)(a)(4) as modified by Commission Order No. 2012-234. Tempo subscribers will be required to demonstrate eligibility based at least on: (1) household income at or below 135% of the Federal Poverty Guidelines for a household of that size; (2) the household's participation in one of the federal assistance programs listed in new section 54.409(a)(2); or (3) meeting eligibility criteria established by South Carolina for its residents, provided such criteria are based solely on income or factors directly related to income per new section 54.409(a)(3) of the FCC Rules. In addition, the Company will confirm that the subscriber is not already receiving a Lifeline service and no one else in the subscriber's household is subscribed to a Lifeline service.

Tempo intends to add new subscribers to the Lifeline program through Tempo internal sales agents or through Tempo-authorized third-party dealers. Tempo intends to use the same third-party dealers as used by Birch for Birch's wireline Lifeline service provided as a non-ETC

⁷ 47 U.S.C. § 254(b)(1).

⁸ *Lifeline Reform Order* ¶ 317.

reseller. Birch currently utilizes approximately 100 third-party dealers. Tempo plans to offer its wireless Lifeline product at those same locations plus additional locations that would be frequented by the target audience for Lifeline services. Birch's current third-party dealers include check cashing locations, grocery stores, computer stores, independent telephone retailers, storage facilities, beauty supply stores, and pawn shops. Once wireless Lifeline service is implemented, Tempo plans to add independent wireless retailers and mall kiosks to its potential third-party dealer locations.

Tempo has adopted and will comply with Birch's approved Compliance Plan. Tempo will use the same procedures and operations set forth in the Compliance Plan for its provision of prepaid wireless Lifeline service including the same draft application and verification forms. Detailed information about the procedures to ensure consumer eligibility, enrollment and certification are provided in the approved Compliance Plan, **Exhibit 6**, p. 10-17. Consistent with federal requirements, Tempo will require customers to certify at the time of service activation and annually thereafter that they: (1) are the head of household; (2) participate in one of the state-approved means tested programs; (3) will be receiving Lifeline-supported services only from Tempo; (4) do not currently receive Lifeline support; and (5) will notify Tempo in the event that they no longer participate in the qualifying program. See **Exhibit 6**, pages 14-17, and Attachments A and B, for specific information on eligibility determination procedures that would be used.

Attached as **Exhibit 9** are revised enrollment and certification forms reflecting the Tempo name. As set forth in the approved Compliance Plan, Tempo has established processes for ensuring Lifeline services are provided only to eligible customers, including procedures for confirming consumer eligibility, enrolling eligible customers, re-certifying eligibility at regular

intervals, and recordkeeping. The forms set forth in **Exhibit 9** are updated versions of Tempo's initial enrollment and certification form, which will also be used for re-certification as explained in Tempo's approved Compliance Plan. Tempo has revised its forms based on a request from FCC staff to include a statement that not all Lifeline services are marketed under the "Lifeline" name, and may be offered under other names, and to clarify that certain consumer information will be provided to the Universal Service Administrative Company for the purpose of verifying eligibility and maintaining the information in a database. Tempo has made similar changes to its script for third party verification ("TPV") of Lifeline eligibility, and has informed its customer service representatives to include these statements in any oral disclosures given to potential Lifeline customers.

If Tempo has a reasonable basis to believe that one of its Lifeline subscribers no longer meets the eligibility criteria, the Company will notify the subscriber of impending termination in writing and in compliance with any state dispute resolution procedures applicable to Lifeline termination, and give the subscriber 30 days to demonstrate continued eligibility.⁹ A demonstration of eligibility must comply with the annual verification procedures found in Section 54.410(f), including the submission of a certification form.¹⁰

To supplement its verification and certification procedures prior to enrolling a Lifeline customer, Tempo will take two steps to prevent duplicate Lifeline subsidies within its own subscriber base and the Birch subscriber base. First, Tempo will review the Company's service records to ensure the potential customer is not currently receiving a Lifeline service from Birch or Tempo. Second, the Company will utilize available state-level databases and the national database to be created to ensure the potential customer is not currently receiving a Lifeline

⁹ *Lifeline Reform Order* at ¶ 143; 47 C.F.R. § 54.405(e)(1).

¹⁰ 47 C.F.R. §54.410 (effective April 2, 2012).

service from any other carrier. Tempo will promptly investigate any notification it receives from a state, the Commission, or USAC that one of its Lifeline customers is improperly receiving service. Tempo will also update any required databases within one (1) business day of de-enrolling a consumer.¹¹ Detailed information on the additional measures to be taken by Tempo to prevent fraud, waste and abuse is provided in **Exhibit 6**, p. 21-24.

III. COMMISSION HAS JURISDICTION TO DESIGNATE WIRELESS ETCs

Section 214(e)(2) of the Communications Act authorizes state commissions such as the Public Service Commission of South Carolina to designate ETC status for federal universal service purposes.¹² The FCC has further ruled that Section 214(e)(2) “provides state commissions with the primary responsibility for designating ETCs.”¹³

The FCC has promulgated rules governing ETC designations, 47 C.F.R. § 54.101, §§ 54.201-203, and §§ 54.205-207 (the “FCC Rules”), to establish various requirements for carriers to obtain ETC status. Applicants seeking ETC status in South Carolina must address and satisfy each of the ETC designation criteria under the FCC Rules and Regulations and 26 S.C. Code Regs. 103-690.

IV. TEMPO SATISFIES THE REQUIREMENTS FOR ETC DESIGNATION

Section 254(e) of the Act provides that “only an eligible telecommunications carrier designated under section 214(e) shall be eligible to receive specific federal universal service support.” Section 214(e)(1) of the Act and Section 54.201(d) of the FCC’s rules provide that ETC applicants must be common carriers that will offer all of the services supported by universal

¹¹ *Lifeline Reform Order* ¶ 257.

¹² 47 U.S.C.A. § 214(e)(2). *See Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, First Report and Order, 12 FCC Rcd 8776, 8858-59 (¶ 145) (1997). (*Universal Service First Report & Order*).

¹³ *See Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 20 FCC Rcd 6371, 6372 (¶ 1, n. 2) (2005) (“*ETC Criteria Order*”) ; *see also* 26 S.C. Code Regs. § 103-690 and 103-690.1.

service, either using their own facilities or a combination of their own facilities and the resale of another carrier's services, except where the Commission has forbore from the "own facilities" requirement. Applicants must also commit to advertise the availability and rates of such services.¹⁴ As detailed below, Tempo satisfies each of these requirements.

A. Tempo Will Provide Service Consistent with the FCC's Grant of Forbearance

In its *Lifeline Reform Order*, the FCC decided to forbear, on its own motion, from applying the facilities requirement of Section 214(e)(1)(A) to any telecommunications carrier that seeks limited ETC designation to participate in the Lifeline program, conditioned on the ETC's compliance with certain 911 requirements and the ETC's filing with and approval by the FCC of a compliance plan describing the ETC's adherence to certain protections prescribed by the FCC ("Blanket Forbearance"). Tempo seeks limited ETC designation in South Carolina to participate in the Lifeline program and has opted to pursue Blanket Forbearance. The FCC approved Tempo's Compliance Plan as discussed above. Tempo commits to providing Lifeline service in South Carolina in accordance with the Compliance Plan and requests ETC designation in South Carolina.

B. Tempo is a Common Carrier.

Only a "common carrier" receiving designation as an ETC under 47 U.S.C. § 214 is eligible to receive subsidies from the federal USF. Wireless carriers are common carriers under federal law.¹⁵ Common carriers that provide services consistent with the requirements of Section

¹⁴ See 47 U.S.C. § 214(e)(1) and 47 C.F.R. § 54.201(d)(2).

¹⁵ 47 U.S.C. § 332(c)(1) (an entity providing commercial mobile services is deemed to be a common carrier); *see also* 47 U.S.C. § 332(d)(1) (defining "commercial mobile service" to be any mobile service that is provide for profit and makes interconnected service available to the public).

214(e) may be deemed ETCs.¹⁶ Tempo will be a common carrier by virtue of its provision of wireless services. Therefore, Now Tempo certifies that it is a common carrier under 47 U.S.C.A. § 214(e)(1) for purposes of ETC designation.

C. Tempo Will Provide All Required Services and Functionalities

Tempo will offer all required services and functionalities. Section 214(e)(1)(A) of the Act¹⁷ requires an ETC to offer the services that are supported by federal universal service support mechanisms under section 254(c). Effective December 29, 2011, pursuant to the *USF/ICC Reform Order*¹⁸, as further clarified by the *USF/ICC Order on Reconsideration*¹⁹, the FCC eliminated its former list of nine supported services and amended section 54.101(a) of its rules to specify that “voice telephony service” is supported by the federal universal service mechanisms.

Through its service arrangements with underlying carriers, Tempo is able to offer all of the services and functionalities required by S.C. Code Regs. 103-690(C)(a) and Section 54.101(a) and 54.202(a) of the FCC Rules including the following:

1. Voice Grade Access to the Public Switched Telephone Network

¹⁶ 47 U.S.C. § 214(e)(6) provides that wireless carriers not otherwise subject to state commission jurisdiction shall be designated as ETCs if they meet the requirements of 47 U.S.C. § 214(e)(1) consistent with applicable federal and state law.

¹⁷ 47 U.S.C. § 214(e)(1).

¹⁸ *In the Matter of Connect America Fund, A National Broadband Plan for Our Future, Establishing Just and Reasonable Rates for Local Exchange Carriers, High-Cost Universal Service Support, Developing an Unified Intercarrier Compensation Regime, Federal-State Joint Board on Universal Service, Lifeline and Link-Up, Universal Service Reform – Mobility Fund*, WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket No. 05-337, CC Docket No. 01-92, CC Docket No. 96-45, WC Docket No. 03-109, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011) (“*USF/ICC Reform Order*”).

¹⁹ *In the Matter of Connect America Fund*, WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket No. 05-337, CC Docket No. 01-92, CC Docket No. 96-45, WC Docket No. 03-109, WT Docket No. 10-208, Order on Reconsideration, FCC 11-189 (rel. Dec. 23, 2011) (“*USF/ICC Order on Reconsideration*”).

Tempo will offer its customers voice telephony services, including access to the Public Switched Telephone Network as required by 47 C.F.R. §§ 54.101(a) through the purchase of wholesale CMRS services from Sprint.

2. Local Usage

Tempo's service will include local usage that allows customers to originate and terminate calls within a local calling area without additional charge to end users. Tempo's service plan will allow South Carolina Lifeline customers to choose between a 250 minutes voice plan, a 250 minutes talk/text plan, and a 150 minute talk/text as previously described. To date, the FCC has not specified any minimum amount of local usage that an ETC must offer. Tempo will comply with any and all minimum local usage requirements the FCC may adopt with respect to Lifeline service offerings. Therefore, Tempo satisfies the local usage criterion for ETC designation.

3. Access to Emergency Service

The Company also will provide access to emergency services provided by local government or public safety officials, including 911 and enhanced 911 ("E911") where available and will comply with any FCC or Commission requirements regarding E911-compatible handsets. The Company commits to pay in a timely manner all applicable federal, state and local regulatory fees, including but not limited to universal service and E911 fees.²⁰

4. Toll Limitation for Qualifying Low-Income Customers

In the *Lifeline Reform* Order, the FCC stated that toll limitation service ("TLS") would no longer be deemed a supported service.²¹ ETCs are not required to offer TLS to low-income consumers if the Lifeline offering provides a set amount of minutes that do not distinguish

²⁰ See *TracFone Wireless, Inc. Petition to Rescind State 911/E911 Condition*, FCC Docket No. 96-45 (May 3, 2010).

²¹ *Lifeline Reform Order* at ¶ 367.

between toll and non-toll calls.²² Tempo's prepaid wireless Lifeline service offering will be a nationwide calling plan, and will not distinguish between toll and non-toll calls. Pursuant to the *Lifeline Reform Order*, subscribers to such services are not considered to have voluntarily elected to receive TLS.²³ Consumers, however, may implement toll control for international calls to the extent they seek that capability. Moreover, consumers purchasing Tempo's prepaid wireless Lifeline service offering will have the ability to monitor their minute usage and balances from their handset, online, or through customer service. Tempo will not seek reimbursement for TLS.

5. Other Services

Additionally, Tempo offers its customers access to operator services, the ability to make "long distance" telephone calls, and access to directory assistance services by dialing "411" through Birch's facilities or through arrangements with Sprint.

D. Tempo Will Meet the Additional Requirements for Designation Established by the Commission and the FCC's Regulations

The requirements for designation of ETCs were recently amended by the FCC. Effective April 2, 2012, 47 C.F.R. § 54.202 imposes a number of changed requirements in order to be designated an ETC under Section 214(e)(6). Tempo will comply with the requirements of 47 C.F.R. § 54.202, effective April 2, 2012, and will comply with the South Carolina requirements for initial designation pursuant to 26 S.C. Code Regs. 103-690 as illustrated below.

1. Commitment to Provide Service 26 S.C. Code Regs. 103-690(C)(a)(1)(A)

As required by 26 S.C. Code Regs. 103-690(C)(a)(1)(A), Tempo commits to provide service throughout its proposed ETC designated Service Area to all customers who make a reasonable request for service. Tempo also certifies that it will (1) provide service on a timely

²² *Lifeline Reform Order* at ¶ 49.

²³ *Lifeline Reform Order* at ¶ 230.

basis to requesting customers within the applicant's service area where the applicant's network already passes the potential customer's premises; and (2) provide service within a reasonable period of time, if the potential customer is within the applicant's licensed service area but outside its existing network coverage, if service can be provided at reasonable cost by (a) modifying or replacing the requesting customer's equipment; (b) deploying a roof-mounted antenna or other equipment; (c) adjusting the nearest cell tower; (d) adjusting network or customer facilities; (e) reselling services from another carrier's facilities to provide service; or (f) employing, leasing or constructing an additional cell site, cell extender, repeater, or other similar equipment.²⁴

Tempo not only commits to provide service throughout its Service Area, but also commits to provide universal service in a timely manner to all customers who make a reasonable request for service pursuant to the FCC Rules. If designated as a wireless ETC, Tempo will provide service throughout its Service Area through the resale of services. Tempo is willing to accept carrier of last resort obligations throughout the universal service areas in which Tempo is designated as an ETC.

2. **Advertising and Outreach Program**
26 S.C. Code Regs. 103-690(C)(a)(1)(C) & (a)(7)

Tempo will advertise the availability of Supported Services and the related charges using media of general distribution as required by 47 U.S.C. § 214(e)(1)(B), 26 S.C. Code 103-690(a)(7), and 47 C.F.R. 54.201(d)(2) and in accordance with the requirements of the *Lifeline Reform Order*. Tempo certifies via the Affidavit attached as **Exhibit 1** that it will comply with the requirements of 26 S.C. Code Regs. 103-690(C)(a)(7).

²⁴ Tempo notes that the FCC eliminated the requirement that ETC applicants modify, replace, adjust or add equipment or facilities to to encompass potential customers that are outside the applicant's licensed service area but outside its existing network coverage. See *Connect America Fund Order*, at 18199-18200.

Tempo will utilize the FCC's 2004 outreach guidelines for advertising its prepaid wireless Lifeline service offering.²⁵ Specifically, Tempo will utilize outreach materials and methods designed to reach households that currently do not have telephone service, will develop advertising materials for non-English speaking populations within its service area, and will coordinate its outreach efforts with relevant government agencies. As required under the *Lifeline Reform Order*, Tempo will ensure the FCC-required disclosures, any "doing business as" names it uses, and details of the prepaid wireless Lifeline service offering are contained in all marketing materials.²⁶ Attached as **Exhibit 10** is an example of Tempo's marketing materials.

Pursuant to 26 S.C. Code Regs. 103-690(C)(a)(1)(C), Tempo's advertising and outreach for its prepaid wireless Lifeline service offering will include, but not be limited to, targeted direct mail, advertisements in daily and weekly print periodicals, billboards, event sponsorship, bus advertising, radio advertising, and online search engines. Tempo will also engage in outbound calling campaigns (consistent with applicable telemarketing regulations). Tempo also plans to target Birch's current wireline Lifeline customers (served by Birch as a non-ETC reseller) to determine interest in converting from wireline Lifeline service to wireless Lifeline service. Tempo will also coordinate with relevant state agencies, community outreach organizations, and non-profit organizations to make information available regarding Tempo's prepaid wireless Lifeline service offering in resource guides and other printed materials produced by those organizations, as well as in their offices or other locations visited by potential Lifeline-eligible subscribers. Tempo will also advertise through online search engines and third-party referral agents/dealers.

²⁵ *Lifeline and Link Up*, 19 FCC Rcd 8302, ¶¶ 45-48 (2004).

²⁶ *Lifeline Reform Order* ¶¶ 274-282.

The FCC adopted specific requirements for Lifeline advertising in its *Lifeline Reform Order* with which the Company will comply.²⁷ Within the deadline provided in the *Lifeline Reform Order*, the Company will include the following information regarding its Lifeline service on all marketing materials describing the service: (1) it is a Lifeline service, (2) Lifeline is a government assistance program, (3) the service is non-transferable, (4) only eligible consumers may enroll in the program, (5) the program is limited to one discount per household; (6) documentation necessary for enrollment; (7) Tempo's name (the ETC); and (8) notice that consumers who willfully make a false statement in order to obtain the Lifeline benefit can be punished by fine or imprisonment or can be barred from the program.²⁸ These statements will be included in all print, audio, video and web materials used to describe or enroll customers in the Company's Lifeline service offering, as well as the Company's application forms and certification forms. This specifically includes the Company's website and other marketing materials.²⁹

**3. Ability to Remain Functional in Emergency Situation
26 S.C. Code Regs. 103-690(C)(a)(2) and 47 C.F.R. § 54.202(a)(2),**

Sprint will provide Tempo with the network infrastructure and wireless transmission facilities. Tempo will rely on Birch for all other facilities, network, back office, billing, and customer support functions needed to provide Lifeline and non-Lifeline services. Birch has been offering telecommunications services since 1996, and thus has significant experience with remaining functional in emergency situations. As a successful, profitable CLEC for over 15 years Birch has disaster recovery contingency plans that include diverse/alternate routing, electronics redundancy, dual data centers geographically separated, and environmental controls

²⁷ *Lifeline Reform Order* at ¶¶ 275-82.

²⁸ *Lifeline Reform Order* at ¶ 275.

²⁹ *Id.*

for data and switching centers. Tempo will rely on Birch to apply these same measures to its prepaid wireless Lifeline service offering to the extent there is an emergency situation affecting Tempo's operations.

The MVNO contract arrangement with Sprint imposes certain obligations on Sprint to ensure Tempo's prepaid wireless Lifeline service offering remains functional during emergency situations. As a large, nationwide wireless carrier, Sprint is subject to regulatory requirements to remain functional during emergency situations.³⁰ The MVNO agreement with Sprint also contains certain quality of service guarantees. As a result Tempo is able to provide to its customers the same ability to remain functional in emergency situations as currently provided by Sprint to its own customers, including access to a reasonable amount of back-up power to ensure functionality without an external power source, re-routing of traffic around damaged facilities, and the capability of managing traffic spikes resulting from emergency situations.

In accordance with 26 S.C. Regs. § 103-690.1(B)(b)(6), Tempo hereby certifies and will annually certify, that it is able to function in emergency situations. See **Exhibit 1**.

**4. Consumer Protection and Commitment to Provide Quality Service
26 S.C. Code Regs. 103-690(C)(a)(3) and 47 C.F.R. 54.202(a)(1) & (2)**

An ETC applicant must demonstrate that it will satisfy all consumer protection and service quality standards pursuant to 26 S.C. Code Reg. 103-690(C)(a)(3). The Commission and the FCC have determined that a commitment by wireless applicants to comply with Consumer Code for Wireless Service – adopted by the Cellular Telecommunications and Internet Association's ("CTIA") satisfies this requirement.³¹ Per the requirements of 47 C.F.R. § 202(a)(1)(i), Tempo certifies that it will comply with the service requirements applicable to the

³⁰ Tempo is also familiar with the continuity and disaster response program Sprint has implemented, which addresses the need to remain functional during emergency situations.

³¹ 47 C.F.R. § 54.202(a)(3). See Affidavit and Certification attached as **Exhibit 1**.

low-income support it receives as a result of designation as an ETC for purposes of receiving Lifeline.

Tempo will satisfy applicable consumer protection and service quality standards. Tempo will apply Birch's consumer protection and service quality standards. As a CLEC/IXC, Birch is currently subject to the consumer protection and service quality standards promulgated by the Commission and the states in which Birch operates. These same practices to the prepaid wireless Lifeline service product. Tempo will satisfy all consumer privacy protection standards as provided in 47 C.F.R. § 64, Subpart U as applicable and will protect Customer Proprietary Network Information ("CPNI") as required by state and federal law and will certify compliance with the same on an annual basis.

On an annual basis Tempo will certify its compliance with the CTIA Consumer Code and report the number consumer complaints or trouble reports per 1,000 handsets or access lines consistent with the FCC's *USF Order*³² and 26 S.C. Code Reg. 103-690.1(B)(a) and (b)(4). Tempo in general commits to satisfying all applicable state and federal requirements related to consumer protection and service quality standards.

**5. Comparable Local Usage / Rate Plan
26 S.C. Code Regs. 103-690(C)(a)(4)**

Pursuant to the *Connect Fund Order*, the FCC has eliminated the requirement that ETC applicants demonstrate that they offer a local usage plan comparable to the one offered by the incumbent local exchange carrier ("ILEC") in the service areas for which it seeks designation.³³

**6. Equal Access
26 S.C. Code Regs. 103-690(C)(a)(5) and 47 C.F.R. § 54.202(a)(5)**

³² *Federal-State Joint Board on Universal Service*, First Report and Order, 12 FCC Rcd 8776 at ¶ 4 (1997) ("*USF Order*").

³³ *See USF/ICC Reform Order* at 18199-18200.

South Carolina requires an acknowledgement from a prospective ETC that it may be required to “provide equal access to long distance carriers in the event no other eligible telecommunications carrier is providing equal access within the designated service area.” 26 S.C. Code Regs. 103-690(C)(a)(5).³⁴ See Affidavit attached as **Exhibit 1**.

7. Universal Service Support
26 S.C. Code Regs. 103-690(C)(a)(6)

As described earlier, Section 214(e)(1)(A) of the Act requires an ETC to offer the services supported by federal universal service support mechanisms throughout its designated service area “either using its own facilities or a combination of its own facilities and resale of another carrier’s services.”³⁵ As described earlier, Tempo will provide wireless service through resale and Blanket Forbearance from the FCC.

8. Financial and Technical Showing
47 C.F.R. § 54.201(h)

Tempo has the financial and technical capability to provide Lifeline service. As part of the *Lifeline Reform Order*, the FCC amended its rules to require a carrier seeking designation as a Lifeline-only ETC to demonstrate that it is financially and technically capable of providing the supported Lifeline service in compliance with all of the low-income program rules.³⁶ Tempo satisfies these criteria.

Tempo is financially capable of offering Lifeline services. Tempo does not intend to rely exclusively on universal service fund disbursements to operate, and will receive revenues from other sources. Tempo will initially offer prepaid wireless voice and data services in 18 states starting in June 2013. This portion of Tempo’s business will be fully operational prior to

³⁴ The FCC’s rules no longer require an applicant to acknowledge that the FCC may require it to provide equal access to long distance carriers. See *Lifeline Reform Order*, p. 208, revised § 54.202(a).

³⁵ 47 U.S.C. § 214(e)(1)(A).

³⁶ *Lifeline Reform Order*, p. 208, 47 C.F.R. § 54.201(h).

Tempo's receipt of ETC designation or its rollout of its prepaid wireless Lifeline services once designated. Tempo's core business will be the provision of wireless voice and data services to non-Lifeline customers. Based on its forward-looking business and financial plans, Tempo projects that the majority of its target customer base will not be eligible to receive Lifeline service.

Further, Tempo has sufficient operating capital to provide prepaid wireless Lifeline services. In May 2013, the individual owners of Birch Equity Partners, LLC (formerly known as Birch Capital, LLC) (Tempo's sole member) contributed a significant amount of funding to the company. These "start-up" funds are large enough to cover the company's operating expenses for more than a month. Tempo projects that it will start accruing revenues from its prepaid non-Lifeline wireless voice and data services in July 2013.

As a new entity, Tempo has not been subject to any enforcement proceedings or ETC revocation proceedings. Birch has not been subject to an abnormal number of enforcement proceedings given the significant number of customers it serves and the more than 15 years it has been offering service, and has not been subject to any enforcement proceeding with respect to Lifeline services.

The management and ultimate owners of Tempo are intimately familiar with the financial and technical needs of a telecommunications company. As noted above, Tempo utilizes the same management and day-to-day operational personnel as currently utilized by Birch, a company that has been operating as a successful competitive local exchange carrier since 1996. Birch's current corporate officers are also corporate officers of Tempo, and Tempo is owned by the same ultimate owners of Birch (but is not part of the Birch corporate family). In addition,

Tempo relies on Birch for various network facilities, back office, billing, and customer support functions necessary for Tempo to provide both its Lifeline and non-Lifeline services.

Finally, Tempo is reselling the wireless services of Sprint for both its Lifeline and non-Lifeline services. Sprint provides wholesale capacity to numerous wireless resellers. Like several other prepaid wireless providers, Sprint will provide Tempo with the network infrastructure and wireless transmission facilities needed for Tempo to offer service as a MVNO. Sprint is a large, nationwide carrier, and serves several other MVNOs offering wireless Lifeline products.³⁷ Tempo's partnership with Sprint further demonstrates Tempo is technically and financially capable of providing a prepaid wireless Lifeline service.

V. DESIGNATION OF TEMPO AS AN ETC IN THE STATE OF SOUTH CAROLINA SERVES THE PUBLIC INTEREST CONSISTENT WITH THE FCC'S REQUIREMENTS AND 26 S.C. CODE REGS. § 103-690(C)(b)

The FCC has previously held that designating a competitor as an ETC in areas served by non-rural ILECs is *per se* in the public interest.³⁸ The Commission must determine that Tempo's designation is in the public interest by considering (1) the benefits of increased consumer choice and (2) the unique advantages and disadvantages of Tempo's service offering pursuant to 26 S.C. Code Regs. § 103-690(C)(b). These are the same factors used by the FCC.³⁹ Tempo submits that it is in the public interest to designate Tempo as an ETC.

A. The Benefits of Increased Competitive Choice

Tempo's ETC designation will bring another competitive alternative to low-income consumers in the Service Area, and will exert further competitive pressures on existing wireless

³⁷ Based on filings made with the FCC, it appears Sprint also provides underlying MVNO services to other carriers such as PlatinumTel, i-wireless, and CAL Communications, which also have sought ETC designation from the FCC.

³⁸ See *Cellco Partnership*, 16 FCC Rcd, at 45.

³⁹ 47 U.S.C. § 54.202(c).

Lifeline providers operating in the Service Area. Tempo seeks to make it easier for low-income consumers located within the Service Area to receive affordable telecommunications services that are comparable to those enjoyed by other consumers. Tempo's ETC designation serves the public interest by providing services to a portion of the public that may not otherwise be able to obtain telecommunications services due to insufficient credit, immigrant status, or living situation. Prepaid wireless services also offer consumers convenience, control over their telecommunications spending without the imposition of high monthly fees, and the ability to pay for only those services needed. The goals of universal service mandated by Congress, the FCC, and the Commission are therefore served by designation of Tempo as a Lifeline-only ETC.⁴⁰

In order to remain competitive in low-income markets, all carriers will have greater incentives to improve networks, increase service offerings and lower prices. This results in improved consumer services and, consistent with federal law, benefits consumers by allowing Tempo to offer the services designated for support at rates that are "just, reasonable, and affordable."⁴¹

B. Unique Advantages of Tempo's Service Offerings

Tempo will offer a unique, easy to use, competitive and highly affordable wireless telecommunications service, which it will make available to qualified consumers who either have no other service alternatives or who choose a wireless prepaid solution in lieu of more traditional services. Detailed information on Tempo's service offerings was provided in a previous section and the attached Exhibits.

The public interest benefits of Tempo's wireless service offering includes larger local calling area (as compared to traditional wireline carriers), the convenience and security afforded

⁴⁰ 47 U.S.C. § 254.

⁴¹ 47 U.S.C. § 254(b)(1).

by mobile service, the opportunity for customers to control costs by receiving a preset amount of monthly airtime at no charge, the ability to purchase additional usage at flexible and affordable amounts, and 911 service. The Company's Lifeline customers will receive the same high-quality wireless services and exceptional customer service provided to all Birch customers. Designation of Tempo as an ETC benefits the public interest of low-income consumers throughout the Service Area. Designation of Tempo as an ETC will serve the public interest by increasing participation of qualified consumers in the Lifeline program in the State of South Carolina.

C. Impact on the Universal Service Fund

Designation of Tempo as an ETC will not pose any adverse effect in the growth in the high-cost portions of the USF, nor will it create or contribute to an erosion of high-cost funding from any rural or non-rural telephone company. The FCC reaffirmed this position when it stated that "the potential growth of the fund associated with high-cost support distributed to competitive ETCs" is not relevant to carriers seeking support associated with the low-income program.⁴²

With Lifeline, ETCs only receive support for customers they obtain. The amount of support available to an eligible subscriber is the same whether the support is given through Tempo or an incumbent LEC. Tempo would only increase the amount of Lifeline funding if it obtains Lifeline customers not enrolled in another ETC's Lifeline program. The FCC recognized that the total effect of additional low-income-only ETC designations would have a minimal impact on the fund when it stated that "any increase in the size of the fund would be minimal and would be outweighed by the benefit of increasing eligible participation in the Lifeline program,

⁴² Petition of TracFone Wireless, Inc. for Forbearance from 47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. § 54.201(i), CC Docket No. 96-45, Order, 20 FCC Rcd 15095 (2005) ("*TracFone Forbearance Order*") at ¶ 17.

furthering the statutory goal of providing access to low-income consumers.”⁴³ By implementing the safeguards established in the *Lifeline Reform Order*, Tempo will minimize the likelihood that its customers are not eligible or are receiving duplicative support either individually or within their household. Tempo’s ability to increase the Lifeline participation rate of qualified low-income individuals will further the goal of Congress to provide all individuals with affordable access to telecommunications service. Any incremental increases in Lifeline expenditures are far outweighed by the significant public interest benefits of expanding the availability of affordable wireless services to low-income customers. Approval of Tempo’s ETC Application will serve the public interest by increasing participation of qualified consumers in the Lifeline program in the State of South Carolina.

VI. ANTI-DRUG ABUSE CERTIFICATION

Tempo certifies that, pursuant to Sections 1.2001 through 1.2003 of the FCC’s rules, that neither Tempo nor its subsidiaries, affiliates, officers, directors, or persons holding 5% or more of its outstanding stock, are subject to a denial of federal benefits, including Commission benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.⁴⁴

VII. ANNUAL REPORTING REQUIREMENTS

Consistent with the requirements of 47 C.F.R. § 54.422 (effective April 2, 2012) and with 26 S.C. Code Regs. 103-690.1, Tempo will comply with the federal and state annual reporting requirements. Pursuant to 26 S.C. Code Regs. 103-690(C)(a)(5) through (7), Applicant attaches **Exhibit 1** an Affidavit and Certification signed by an officer of Tempo.

⁴³ *TracFone Forbearance Order*, at ¶ 17.

⁴⁴ *Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act*, 12 FCC Rcd 22947, 22948-949 (1997).

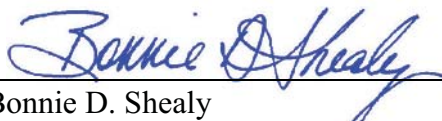
VII. CONCLUSION

WHEREFORE, premises considered, having demonstrated herein that Tempo satisfies all the conditions of eligibility necessary for designation as an ETC in South Carolina, and having shown that the public and universal service interests of the telecommunications consumers of the State of South Carolina will be properly served, Tempo respectfully requests that the Commission promptly grant this Application and designate Tempo Telecom, LLC as a wireless ETC.

Dated this 12th day of June, 2013.

Robinson, McFadden & Moore, P.C.

By:



Bonnie D. Shealy
1901 Main Street, Suite 1200
Post Office Box 944
Columbia, SC, 29202
Telephone 803-779-8900
Fax 803-252-0724
bshealy@robinsonlaw.com

Attorneys for Tempo Telecom, LLC

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

IN RE:

APPLICATION OF TEMPO TELECOM,
LLC FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS
CARRIER IN THE STATE OF SOUTH
CAROLINA

)
)
) Application for Designation as an
) Eligible Telecommunications
) Carrier
)
)
)

VERIFICATION

I, Christopher J. Bunce, Senior Vice President, Legal and General Counsel, first being duly sworn upon oath, depose and say that I am an officer authorized to represent Tempo Telecom, LLC in this Application; that I have read the Application and know the contents; that the contents are true and correct to the best of my knowledge and belief.

Tempo Telecom, LLC

By: 

Christopher J. Bunce, Senior Vice President, Legal
and General Counsel for Birch Equity
Partners, LLC as its Sole Member

Subscribed and sworn to before me this

11th day of June, 2013.



Notary Public for Platte County
My Commission Expires: 6-9-14

ANGELA A. HOKE
Notary Public-Notary Seal
STATE OF MISSOURI
Platte County
My Commission Expires June 9, 2014
My Commission # 10887286

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

IN RE:)	
)	
APPLICATION OF TEMPO TELECOM,	)	Application for Designation as an
LLC FOR DESIGNATION AS AN	)	Eligible Telecommunications
ELIGIBLE TELECOMMUNICATIONS	)	Carrier
CARRIER IN THE STATE OF SOUTH)	
CAROLINA)	
)	

EXHIBITS

- | | | |
|------------|---|-----------------------------------------------------------------------------------------------------------|
| Exhibit 1 | - | Affidavit and Certification |
| Exhibit 2 | - | South Carolina Secretary of State Certificate of Authorization |
| Exhibit 3 | - | Birch's December 18, 2012, FCC Filing regarding Now Communications |
| Exhibit 4 | - | FCC's December 20, 2012, Acknowledgement of Change in Corporate Structure regarding Now Communications |
| Exhibit 5 | - | Tempo Telecom's May 13, 2013, Notification to FCC of Name Change from Now Communications to Tempo Telecom |
| Exhibit 6 | - | Tempo Telecom's Adoption of the Approved Compliance Plan |
| Exhibit 7 | - | Officers of Tempo Telecom, LLC |
| Exhibit 8 | - | Proposed ETC Service Areas in South Carolina by Wire Centers |
| Exhibit 9 | - | Tempo Telecom Revised Enrollment and Certification Forms |
| Exhibit 10 | - | Tempo Telecom Marketing Materials |

}

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

IN RE:)	
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APPLICATION OF TEMPO TELECOM,)	Application for Designation as an
LLC FOR DESIGNATION AS AN)	Eligible Telecommunications
ELIGIBLE TELECOMMUNICATIONS	)	Carrier
CARRIER IN THE STATE OF SOUTH)	
CAROLINA)	
)	

**EXHIBIT 1
AFFIDAVIT AND CERTIFICATION**

AFFIDAVIT AND CERTIFICATION OF CHRISTOPHER J. BUNCE

Personally appeared before me Christopher J. Bunce who, being first duly sworn, deposes and states the following:

My name is Christopher J. Bunce. I am Senior Vice President, Legal and General Counsel for Birch Equity Partners, LLC, the Sole Member of Tempo Telecom, LLC (“Tempo”). My business address is 2300 Main Street, Suite 600, Kansas City, Missouri. I am authorized to make this Affidavit on behalf of Tempo, and it is based on my personal knowledge. This Affidavit is given in support of the Application to designate Tempo as an eligible telecommunications carrier.

On behalf of Tempo, I certify and assert the following:

- a. Tempo will provide Lifeline service in a timely manner throughout the designated service area upon reasonable request of an eligible customer;
- b. Tempo acknowledges that the FCC may require the Company to provide equal access to long distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the service area;
- c. Tempo will offer the services that are supported by the federal universal service support mechanisms by using resale of another carrier’s services;
- d. Tempo will advertise in a media of general distribution the availability of such services, including lifeline services and the applicable charges;
- e. Tempo will provide service within a reasonable period of time, if the potential customer is within its licensed service area but outside its existing network coverage, if service can be provided at reasonable costs;
- f. Tempo will implement certification policies and procedures that enable customers

to demonstrate their eligibility for Lifeline assistance as required by the *Lifeline Reform Order* and any additional state requirements;

g. Tempo will comply with the FCC's 60 day non-usage policy as described in paragraphs 257-63 of the *Lifeline Reform Order*;

h. Tempo certifies that it is a common carrier for purposes of ETC Designation;

i. Tempo certifies that it is able to function in emergency situations;

j. Tempo will comply with all applicable state and federal requirements related to consumer protection and service quality standards as outlined in the application;

k. Tempo will comply with the CTIA's Consumer Code for Wireless Service;

l. Tempo is knowledgeable of all federal and state laws and regulations associated with offering Lifeline discounted services and will comply with such requirements;

m. Tempo will comply with the service requirements applicable to the support it receives as required by 47 CFR § 54.202(1)(i); and

n. All wireless handsets issued by Tempo will be capable of accessing 911 services without charge regardless of the activation status and availability of minutes.

Dated this ____ day of June, 2013.

Tempo Telecom, LLC

By: 

Christopher J. Bunce, Senior Vice President, Legal
and General Counsel for Birch Equity
Partners, LLC as its Sole Member

SUBSCRIBED and sworn to before me
this 11th day of June, 2013


Notary Public for Platte County
My Commission Expires: 6-9-14

ANGELA A. HOKE
Notary Public-Notary Seal
STATE OF MISSOURI
Platte County
My Commission Expires June 9, 2014
Commission # 10887286

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

IN RE:)	
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APPLICATION OF TEMPO TELECOM,)	Application for Designation as an
LLC FOR DESIGNATION AS AN)	Eligible Telecommunications
ELIGIBLE TELECOMMUNICATIONS	)	Carrier
CARRIER IN THE STATE OF SOUTH)	
CAROLINA)	
)	

EXHIBIT 2

SOUTH CAROLINA SECRETARY OF STATE
CERTIFICATE OF AUTHORIZATION

The State of South Carolina



Office of Secretary of State Mark Hammond

Certificate of Authorization

I, Mark Hammond, Secretary of State of South Carolina Hereby certify that:

TEMPO TELECOM, LLC, A Limited Liability Company duly organized under the laws of the State of GEORGIA, and issued a certificate of authority to transact business in South Carolina on March 6th, 2013, with a duration that is at will, has as of this date filed all reports due this office, paid all fees, taxes and penalties owed to the Secretary of State, that the Secretary of State has not mailed notice to the company that it is subject to being dissolved by administrative action pursuant to section 33-44-809 of the South Carolina Code, and that the company has not filed a certificate of cancellation as of the date hereof.

Given under my Hand and the Great
Seal of the State of South Carolina this
6th day of March, 2013.


Mark Hammond, Secretary of State

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

IN RE:)	
)	
APPLICATION OF TEMPO TELECOM,	)	Application for Designation as an
LLC FOR DESIGNATION AS AN	)	Eligible Telecommunications
ELIGIBLE TELECOMMUNICATIONS	)	Carrier
CARRIER IN THE STATE OF SOUTH)	
CAROLINA)	
)	

EXHIBIT 3

**BIRCH'S DECEMBER 18, 2012 FCC FILING
REGARDING NOW COMMUNICATIONS**

CAHILL GORDON & REINDEL LLP

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WASHINGTON, D.C. 20006-1181

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ANGELA F. COLLINS | 202-862-8930 | acollins@cgrdc.com

December 18, 2012

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: WC Docket Nos. 09-197, 11-42

Dear Secretary Dortch:

Birch Communications, Inc. (“Birch”) and Now Communications, LLC (“Now Comm”), by their attorneys, respectfully notify the Federal Communications Commission (“Commission”) that Now Comm will comply with and adopt as its own the Compliance Plan filed by Birch and approved by the Commission on August 8, 2012.¹

Now Comm is a Georgia limited liability company, which is in the process of registering with the Commission for domestic interstate authority and obtaining authorization from the Commission for the provision of international telecommunications services. Now Comm is also in the process of obtaining telecommunications authority at the state level in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, Ohio, South Carolina, Tennessee, Texas, and Wisconsin. In addition to prepaid wireless Lifeline service, Now Comm will also provide the wireline Lifeline services currently provided by Birch and its affiliates as a non-ETC reseller in the 18 above-listed states.²

Sprint will provide Now Comm with the network infrastructure and wireless transmission facilities needed for Now Comm to offer service as a Mobile Virtual Network Operator (“MVNO”). Specifically, Birch’s current contract with Sprint will be assigned to Now Comm.³ In addition, Now Comm will rely on Birch for all other facilities, network, back office, billing, and customer support functions necessary to provide both its Lifeline and non-Lifeline services.

¹ WC Docket Nos. 09-197 and 11-42, *Wireline Competition Bureau Approves the Compliance Plans of Birch Communications, Boomerang Wireless, IM Telecom, Q Link Wireless, and TAG Mobile*, Public Notice, DA 12-1286 (rel. Aug. 8, 2012); see also Lifeline Compliance Plans & ETC Petitions, <http://www.fcc.gov/encyclopedia/lifeline-compliance-plans-etc-petitions>.

² Petition at 2 (explaining Birch’s provision of Lifeline services as a non-ETC reseller in 18 states). Birch and Now Comm will obtain any necessary regulatory approvals to execute the transfer of existing Birch customers from Birch to Now Comm.

³ Petition at 2 (explaining Birch’s relationship with Sprint).

Birch noted in the Compliance Plan that it was reviewing whether a separate legal entity should be established for the provision of prepaid wireless Lifeline service or whether the service should be provided through one of the existing Birch entities.⁴ In that regard, Birch hereby notifies the Commission that the prepaid wireless Lifeline service will be provided by a separate legal entity known as Now Communications, LLC.

Now Comm will implement and comply with the Birch Compliance Plan approved by the Commission on August 8, 2012,⁵ and hereby adopts the Birch Compliance Plan as its own. Now Comm will utilize the same procedures and operations set forth in the Birch Compliance Plan for its provision of prepaid wireless Lifeline service, and will use the same draft application and verification forms attached to the Birch Compliance Plan. Now Comm will offer the same prepaid wireless Lifeline service plan set forth in the Birch Compliance Plan, and will market and advertise its prepaid wireless Lifeline service in the same manner as described in the Birch Compliance Plan. A copy of the Birch Compliance Plan adopted by Now Comm is attached. Birch and Now Comm have also filed amendments to the pending designation petitions previously filed by Birch to reflect Now Comm's adoption of the Birch Compliance Plan and to request that Now Comm, not Birch, be the entity designated as an eligible telecommunications carrier.⁶

Now Comm will utilize the same management and day-to-day operational personnel as currently utilized by Birch. Birch's current corporate officers will also be corporate officers of Now Comm. Now Comm will be owned by the same ultimate owners of Birch, but will not be part of the Birch corporate family.⁷

⁴ Compliance Plan at n.3.

⁵ WC Docket Nos. 09-197 and 11-42, *Wireline Competition Bureau Approves the Compliance Plans of Birch Communications, Boomerang Wireless, IM Telecom, Q Link Wireless, and TAG Mobile*, Public Notice, DA 12-1286 (rel. Aug. 8, 2012); *see also* Lifeline Compliance Plans & ETC Petitions, <http://www.fcc.gov/encyclopedia/lifeline-compliance-plans-etc-petitions>.

⁶ On April 27, 2012, Birch filed a petition for designation as an eligible telecommunications carrier ("ETC") for Lifeline service only for the states of Alabama, Florida, North Carolina, and Tennessee. On November 29, 2012, Birch filed a petition for designation as an ETC for Lifeline service only for the state of Texas. On December 18, 2012, Birch and Now Comm filed amendments to these pending petitions to reflect Now Comm's adoption of the Birch Compliance Plan and the parties' request that ETC status be granted to Now Comm rather than Birch. Birch will not provide Lifeline services as an ETC in any state.

⁷ Specifically, Birch Capital, LLC (a Georgia limited liability company) holds a 100% ownership interest in Now Comm. The current owners of Birch (Holcombe Green and R. Kirby Godsey, which in combination hold a 98% interest in Birch) own approximately 90% of Birch Capital, LLC, with the remaining percentage owned by Vincent Oddo, the Chief Executive Officer of both Birch and Now Comm. *See* Birch Compliance Plan at 4-5 (discussing ownership of Birch).

Please contact the undersigned if you have any questions regarding this matter

Respectfully submitted,

A handwritten signature in cursive script, reading "Angela Collins".

Angela F. Collins
Counsel to Birch Communications, Inc. and
Now Communications, LLC

Attachment

cc: Garnet Hanly (via electronic mail)

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

IN RE:)	
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APPLICATION OF TEMPO TELECOM,)	Application for Designation as an
LLC FOR DESIGNATION AS AN)	Eligible Telecommunications
ELIGIBLE TELECOMMUNICATIONS	)	Carrier
CARRIER IN THE STATE OF SOUTH)	
CAROLINA)	
)	

EXHIBIT 4

**FCC'S DECEMBER 20, 2012 ACKNOWLEDGEMENT OF
CHANGE IN CORPORATE STRUCTURE REGARDING
NOW COMMUNICATIONS**



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 12-2068

Release Date: December 20, 2012

**WIRELINE COMPETITION BUREAU SEEKS COMMENT ON PETITIONS FOR
DESIGNATION AS A LOW-INCOME ELIGIBLE TELECOMMUNICATIONS CARRIER
FILED BY NOW COMM, ZING PCS, LTS, ODIN WIRELESS AND TX MOBILE**

WC Docket No. 09-197

Comment Date: January 22, 2013

Reply Comment Date: February 5, 2013

The Wireline Competition Bureau seeks comment on petitions filed by Birch Communications, Inc. (Birch) and Now Communications, LLC (collectively, Now Comm),¹ FLATEL Wireless, Inc. dba ZING PCS (ZING PCS),² LTS of Rocky Mount, LLC (LTS),³ Prepaid Wireless Retail, LLC dba Odin

¹ Birch Communications, Inc. Petition for Designation as an Eligible Telecommunications Carrier Pursuant to Section 214(e)(6) of the Communications Act for Lifeline Support Only in the State of Texas, WC Docket No. 09-197 (filed Nov. 29, 2012); Amendment to Birch Communications, Inc. Petition for Designation as an Eligible Telecommunications Carrier Pursuant to Section 214(e)(6) of the Communications Act for Lifeline Support Only in the State of Texas, WC Docket No. 09-197 (filed Dec. 18, 2012) (collectively, Now Comm Amended Petition) (amending the petition to reflect that Birch's prepaid wireless Lifeline service will be provided by a separate legal entity known as Now Communications, LLC and subject to Birch's compliance plan). *See also* Letter from Angela F. Collins, Counsel to Birch and Now Comm, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 09-197, 11-42 (filed Dec. 18, 2012) (Now Comm explains that it will adopt and adhere by Birch's approved Compliance Plan and its business structure). Now Comm will have the same owners as Birch, including the same management and day-to-day operational personnel as currently utilized by Birch. *See* Now Comm Amended Petition at 2-3.

The Wireline Competition Bureau has approved Birch's compliance plan, which will also apply to Now Comm. *See Wireline Competition Bureau Approves the Compliance Plans of Birch Communications, Boomerang Wireless, IM Telecom, Q Link Wireless and TAG Mobile*, WC Docket Nos. 09-197 and 11-42, 27 FCC Rcd 9184 (Wireline Comp. Bur. 2012); *see also Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 6656, 6816, para. 380 (2012) (*Lifeline Reform Order*).

² FLATEL Wireless, Inc. dba ZING PCS Petition for Limited Designation as an Eligible Telecommunications Carrier in Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee, Texas and Virginia, WC Docket No. 09-197 (filed Dec. 14, 2012) (ZING PCS Petition). ZING PCS has a compliance plan pending with the Commission and may not be designated as an ETC until its plan has been approved by the Wireline Competition Bureau. *See* FLATEL Wireless, Inc. dba ZING PCS Amended Compliance Plan, WC Docket Nos. 09-197 and 11-42 (filed Nov. 14, 2012); *see also, Lifeline Reform Order*, 27 FCC Rcd at 6816, para. 380.

³ LTS of Rocky Mount, LLC Petition for Limited Designation as an Eligible Telecommunications Carrier in Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee and Virginia, WC Docket No. 09-197 (filed Oct. 31, 2012) (LTS Petition). LTS has a compliance plan pending with the Commission and may not be designated an ETC until its plan has been approved by the Wireline Competition Bureau. *See* LTS of Rocky Mount, LLC Compliance Plan, WC Docket Nos. 09-197 and 11-42 (filed Oct. 31, 2012); *see also, Lifeline Reform Order*, 27 FCC Rcd at 6816, para. 380.

Wireless (Odin Wireless),⁴ and TX Mobile, LLC (TX Mobile),⁵ for limited designation as an eligible telecommunications carrier (ETC) for the provision of Lifeline service. LTS and TX Mobile each seek designation as an ETC for the limited purpose of offering Lifeline service in Alabama, Connecticut, Delaware, District of Columbia, Florida, New Hampshire, North Carolina, New York, Tennessee and Virginia.⁶ ZING PCS and Odin Wireless each seek designation as an ETC for the limited purpose of offering Lifeline service in Alabama, Connecticut, Delaware, District of Columbia, Florida, New Hampshire, North Carolina, New York, Tennessee, Texas and Virginia. Now Comm seeks ETC designation for the limited purpose of offering Lifeline service in Texas.⁷

Pursuant to sections 1.415 and 1.419 of the Commission's rules, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).⁸

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

⁴ Prepaid Wireless Retail, LLC dba Odin Wireless Petition for Limited Designation as an Eligible Telecommunications Carrier in Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee, Texas and Virginia, WC Docket No. 09-197 (filed Dec. 10, 2012) (Odin Wireless Petition). Odin Wireless has a compliance plan pending with the Commission and may not be designated an ETC until its plan has been approved by the Wireline Competition Bureau. *See* Prepaid Wireless Retail, LLC dba Odin Wireless Compliance Plan, WC Docket Nos. 09-197 and 11-42 (filed Dec. 10, 2012); *see also*, *Lifeline Reform Order*, 27 FCC Rcd, at 6816, para. 380.

⁵ TX Mobile, LLC Petition for Limited Designation as an Eligible Telecommunications Carrier in Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee and Virginia, WC Docket No. 09-197 (filed Nov. 26, 2012) (TX Mobile Petition). TX Mobile has a compliance plan pending with the Commission and may not be designated an ETC until its plan has been approved by the Wireline Competition Bureau. *See* TX Mobile, LLC, Compliance Plan, WC Docket Nos. 09-197 and 11-42 (filed Oct. 18, 2012); *see also*, *Lifeline Reform Order*, 27 FCC Rcd at 6816, para. 380.

⁶ ZING PCS Petition at 1-2; LTS Petition at 1; Odin Wireless Petition at 1; TX Mobile Petition at 1.

⁷ Now Comm Amended Petition at 1-3.

⁸ *See* 47 CFR §§ 1.415, 1.419; *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁹ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

For further information, please contact Divya S. Shenoy, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-0484.

- FCC -

⁹ 47 C.F.R. §§ 1.1200 *et seq.*

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

IN RE:)	
)	
APPLICATION OF TEMPO TELECOM,	)	Application for Designation as an
LLC FOR DESIGNATION AS AN	)	Eligible Telecommunications
ELIGIBLE TELECOMMUNICATIONS	)	Carrier
CARRIER IN THE STATE OF SOUTH)	
CAROLINA)	
)	

EXHIBIT 5

**TEMPO TELECOM'S MAY 13, 2013, NOTIFICATION TO FCC
OF NAME CHANGE FROM NOW COMMUNICATIONS
TO TEMPO TELECOM, LLC**

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
TEMPO TELECOM, LLC	)	WC Docket No. 09-197
(formerly filed under Birch Communications, Inc.))	
)	
Petition for Designation as an Eligible	)	WC Docket No. 11-42
Telecommunications Carrier pursuant to)	
Section 214(e)(6) of the Communications Act)	
for Lifeline Support Only)	
<hr/>)	

**TEMPO TELECOM, LLC
AMENDED PETITION FOR DESIGNATION
AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER
PURSUANT TO SECTION 214(e)(6) OF THE COMMUNICATIONS ACT
FOR LIFELINE SUPPORT ONLY**

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Dated: May 13, 2013

Its Attorneys

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
TEMPO TELECOM, LLC	)	WC Docket No. 09-197
(formerly filed under Birch Communications, Inc.))	
)	
Petition for Designation as an Eligible	)	WC Docket No. 11-42
Telecommunications Carrier pursuant to)	
Section 214(e)(6) of the Communications Act)	
for Lifeline Support Only)	
)	

**TEMPO TELECOM, LLC
AMENDED PETITION FOR DESIGNATION
AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER
PURSUANT TO SECTION 214(e)(6) OF THE COMMUNICATIONS ACT
FOR LIFELINE SUPPORT ONLY**

Tempo Telecom, LLC (“Tempo”), by its attorneys, respectfully submits this Amended Petition for designation as an eligible telecommunications carrier (“ETC”) pursuant to Section 214(e)¹ of the Communications Act of 1934, as amended (the “Act”), and Section 54.201² of the rules and regulations of the Federal Communications Commission (“Commission”).³

Specifically, Tempo seeks ETC designation for Lifeline support only to provide prepaid wireless services in the states of Alabama, Florida, North Carolina, Tennessee, and Texas (the “Designated Service Area”).⁴ This Amended Petition is being filed to: (1) consolidate pending petitions; (2) to update the Commission with respect to the corporate structure of the entity to be designated as an ETC and with additional Lifeline plans to be offered; and (3) provide additional information requested by Commission staff. All of the statements made in this Amended

¹ 47 U.S.C. § 214(e).

² 47 C.F.R. § 54.201.

³ See, e.g., *Lifeline and Link Up Reform and Modernization, et al.*, 27 FCC Rcd 6656 (2012) (“*Lifeline Reform Order*”).

⁴ More detail on Tempo’s Designated Service Area is set forth herein and in Exhibit 3.

Petition are incorporated by reference into Tempo's approved Compliance Plan, which is attached hereto as **Exhibit 1**.

I. OVERVIEW OF TEMPO

This designation petition was originally filed by Birch Communications, Inc. ("Birch") on April 27, 2012 covering the states of Alabama, Florida, North Carolina, and Tennessee.⁵ On June 29, 2012, Birch filed Compliance Plan with the Commission (attached as **Exhibit 1**),⁶ which was approved on August 8, 2012.⁷ Birch filed a second designation petition for the state of Texas on November 29, 2012.⁸ In both designation petitions and in the Compliance Plan, Birch noted that it was reviewing whether a separate legal entity should be established for the provision of its prepaid wireless Lifeline service or whether the service should be provided through one of the existing Birch entities.⁹

On December 18, 2012, Birch notified the Commission that the prepaid wireless Lifeline service would be provided by a separate legal entity known as Now Communications, LLC ("Now Comm"), and requested that ETC status be granted to Now Comm rather than Birch.¹⁰ In

⁵ WC Docket Nos. 09-197, 11-42, Birch Communications, Inc. Petition for Designation as an Eligible Telecommunications Carrier pursuant to Section 214(e)(6) of the Communications Act for Lifeline Support Only and Compliance Plan (filed Apr. 27, 2012) ("Birch Multiple State Petition").

⁶ WC Docket Nos. 09-197, 11-42, Further Amended Compliance Plan of Birch Communications, Inc. (filed June 29, 2012) ("Compliance Plan"). Tempo will implement and comply with the Compliance Plan and hereby adopts the Compliance Plan as its own.

⁷ WC Docket Nos. 09-197 and 11-42, *Wireline Competition Bureau Approves the Compliance Plans of Birch Communications, Boomerang Wireless, IM Telecom, Q Link Wireless, and TAG Mobile*, 27 FCC Rcd 9184 (2012).

⁸ WC Docket Nos. 09-197, 11-42, Birch Communications, Inc. Petition for Designation as an Eligible Telecommunications Carrier pursuant to Section 214(e)(6) of the Communications Act for Lifeline Support Only in the State of Texas (filed Nov. 29, 2012) ("Birch Texas Petition").

⁹ Birch Multiple State Petition at n.4; Birch Texas Petition at n.4; Compliance Plan at n.3.

¹⁰ WC Docket Nos. 09-197, 11-42, Letter from Angela F. Collins, Counsel to Birch, to Marlene H. Dortch, FCC (filed Dec. 18, 2012) (notifying FCC of adoption of Compliance Plan); WC Docket Nos. 09-197, 11-42, Amendment to Petition for Designation as an Eligible Telecommunications Carrier pursuant to Section 214(e)(6) of the Communications Act for Lifeline Support Only in the States of Alabama, Florida, North Carolina, and Tennessee (filed Dec. 18, 2012) (amending Birch Multiple State Petition); WC Docket Nos. 09-197, 11-42, Amendment to Petition for Designation as an Eligible Telecommunications Carrier pursuant to Section 214(e)(6) of

that filing, Now Comm committed to implement and comply with the previously-approved Compliance Plan, and notified the FCC that it adopted the Compliance Plan as its own. Now Comm also committed to utilize the same procedures and operations set forth in the Compliance Plan for its provision of prepaid wireless Lifeline service, offer the same prepaid wireless Lifeline service plan set forth in the Compliance Plan, and market and advertise its prepaid wireless Lifeline service in the same manner as described in the Compliance Plan. The FCC acknowledged these changes in corporate structure in a December 20, 2012 public notice, and confirmed that the previously-approved Compliance Plan would apply to Now Comm.¹¹

Subsequent to the December 2012 filing, Now Comm changed its name to Tempo Telecom, LLC. The prepaid wireless Lifeline service at issue in this Petition will be provided by Tempo, and ETC status should be granted in Tempo's name only. All other statements in the December 2012 filing apply equally to Tempo. Tempo utilizes the same management and day-to-day operational personnel as currently utilized by Birch.¹² Birch's current corporate officers are corporate officers of Tempo, and Tempo is owned by the same ultimate owners of Birch, but is not part of the Birch corporate family.¹³

the Communications Act for Lifeline Support Only in the State of Texas (filed Dec. 18, 2012) (amending Birch Texas Petition).

¹¹ *Wireline Competition Bureau Seeks Comment on Petitions for Designation as a Low-Income Eligible Telecommunications Carrier filed by Now Comm, Zing PCS, LTS, Odin Wireless, and TX Mobile*, 27 FCC Red 15937 (2012) ("The Wireline Competition Bureau has approved Birch's compliance plan, which will also apply to Now Comm.")

¹² Birch is a competitive local exchange carrier ("CLEC") and interexchange carrier ("IXC"), and since 1996 has been providing high-quality, cost-effective integrated communications services and related information technology services to residential and small and medium-sized business ("SMB") customers. Today, Birch offers a variety of products, services and tailored solutions including local voice, long distance voice, broadband Internet, converged Internet Protocol ("IP") solutions, and related telecommunications and IT services. The Birch family of companies currently serves customers throughout 46 states and the District of Columbia.

¹³ Specifically, Birch Capital, LLC (a Georgia limited liability company) holds a 100% ownership interest in Tempo. The current owners of Birch (Holcombe Green and R. Kirby Godsey, which in combination hold a 98% interest in Birch) own approximately 90% of Birch Capital, LLC, with the remaining percentage owned by Vincent Oddo, the Chief Executive Officer of both Birch and Tempo.

Tempo is in the process of registering with the Commission to provide domestic interstate telecommunications services, and its authorization for the provision of international telecommunications services is pending. Tempo provides prepaid wireless voice and data services in 18 states.¹⁴ Tempo will provide prepaid wireless Lifeline services in those same 18 states once it receives all necessary authority. For purposes of providing its prepaid wireless Lifeline and non-Lifeline services, Tempo will resell the wireless services of Sprint, which provides wholesale capacity to many wireless resellers. Sprint will provide Tempo with the network infrastructure and wireless transmission facilities needed for Tempo to offer wireless voice and data services as a Mobile Virtual Network Operator (“MVNO”), as Sprint does for several other prepaid wireless providers that have received ETC designation. Tempo will rely on Birch for all other facilities, network, back office, billing, and customer support functions necessary to provide both its Lifeline and non-Lifeline services.¹⁵

II. THE COMMISSION HAS JURISDICTION OVER TEMPO’S DESIGNATION REQUEST

Tempo certifies that each state for which Tempo seeks ETC designation from the Commission has asserted that it lacks jurisdiction over the wireless services that Tempo seeks to provide as a Lifeline-only ETC. Tempo therefore seeks ETC designation from the Commission pursuant to Section 214(e)(6).¹⁶ Attached as **Exhibit 2** to this Amended Petition are the relevant orders and/or examples of letters from the Alabama, Florida, North Carolina, Tennessee, and

¹⁴ These states are: Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, Ohio, South Carolina, Tennessee, Texas, and Wisconsin.

¹⁵ For numerous years, Birch has been providing wireline Lifeline services in 18 states as a non-ETC reseller using resold services obtained from AT&T, and thus Birch is familiar with the Commission’s eligibility and verification procedures applicable to Lifeline service offerings.

¹⁶ 47 U.S.C. § 214(e)(6).

Texas state commissions asserting to a lack of jurisdiction over ETC designation for wireless services.

III. TEMPO MEETS THE REQUIREMENTS FOR ETC DESIGNATION UNDER SECTION 214(e) OF THE ACT AND SECTION 54.201(d) OF THE COMMISSION'S RULES

Under Section 214(e)(1) of the Act and Section 54.201(d) of the Commission's rules, a common carrier¹⁷ may be designated as an ETC if it (1) offers the services supported by federal universal service as determined by the Commission, (2) offers such services using its own facilities or a combination of its own facilities and resale of another carrier's services; and (3) advertises the availability of such services and the relevant charges using media of general distribution.¹⁸ As set forth below, Tempo meets these requirements.

A. Tempo Will Offer the Services Supported by Federal Universal Service throughout Its Designated Service Area

Pursuant to Section 54.101(a) of the Commission's rules, as modified by the *Lifeline Reform Order*, carriers seeking ETC designation must provide voice telephony services.¹⁹ Specifically, eligible Lifeline telephony services must provide voice grade access to the public switched telephone network ("PSTN") or its functional equivalent, minutes of use for local service provided at no additional charge, access to emergency 911 and enhanced 911 service in locations where implemented, and toll limitation at no charge (subject to certain requirements and limitations).²⁰ Tempo certifies that its prepaid wireless Lifeline service offering satisfies the

¹⁷ Tempo will be a common carrier by virtue of its provision of wireless services. See 47 U.S.C. § 332(c)(1)(A) (an entity providing commercial mobile services is deemed to be a common carrier); see also 47 U.S.C. § 332(d)(1) (defining "commercial mobile service" to be any mobile service that is provided for profit and makes interconnected service available to the public).

¹⁸ 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d).

¹⁹ 47 C.F.R. § 54.101(a); *Lifeline Reform Order* ¶ 48.

²⁰ *Lifeline Reform Order* ¶ 48.

Commission's definition of voice telephony service, and it will therefore provide all services designated for support by the Commission.

Tempo's prepaid wireless Lifeline service offering will provide voice grade access to the PSTN through its provision of resold wireless services from Sprint. As described below, Tempo's prepaid wireless Lifeline service offerings will provide a bucket of minutes of use to eligible consumers at no additional charge. In addition, as explained below, Tempo's prepaid wireless Lifeline service offering will provide consumers with access to 911 and enhanced 911 to the extent local governments have implemented such services. Although Tempo understands it has an independent obligation to provide 911 and E911 services as a reseller,²¹ Tempo will rely on its contractual arrangement with Sprint to provide such emergency services to consumers.

With respect to toll limitation service, the *Lifeline Reform Order* eliminated the requirement to provide toll limitation services if the Lifeline offering provides a set amount of minutes that do not distinguish between toll and non-toll calls.²² As explained more below, Tempo's prepaid wireless Lifeline service offerings will offer a nationwide calling plan, and will not distinguish between toll and non-toll calls. Consumers, however, may implement toll control for international calls to the extent they seek that capability. Moreover, consumers purchasing Tempo's prepaid wireless Lifeline service offering will have the ability to monitor their minute usage and balances from their handset, online, or through customer service.

B. Tempo Will Provide Service Throughout Its Designated Service Area

Tempo will offer the services supported by federal universal service throughout its Designated Service Area. Tempo's requested Designated Service Area is Sprint's wireless coverage area or Sprint's licensed service area in the states of Alabama, Florida, North Carolina,

²¹ 47 C.F.R. § 20.18(m).

²² *Lifeline Reform Order* ¶ 49.

Tennessee, and Texas, which comprise a portion or the entirety of the telephone company study areas identified on **Exhibit 3**.

C. Tempo Satisfies the Requirements for Conditional Forbearance from the Facilities Requirement

Both the Act and the Commission's rules require a carrier seeking ETC designation to offer the supported services using its own facilities or a combination of its own facilities and resale of another carrier's services.²³ In the *Lifeline Reform Order*, however, the Commission decided to conditionally forbear from application of the Act's facilities requirement to all telecommunications carriers that seek limited ETC designation to participate in the Lifeline program.²⁴ Specifically, the Commission determined that conditional forbearance from the facilities requirement would apply if the carrier: (1) complied with certain 911 requirements and (2) filed and received approval of a compliance plan providing specific information regarding the carrier's service offerings and outlining the measures the carrier will take to implement the obligations contained in the *Lifeline Reform Order* as well as further safeguards against waste, fraud and abuse as the Wireline Competition Bureau may deem necessary.²⁵ Tempo certifies that it meets the requirements for conditional forbearance as demonstrated in its approved Compliance Plan, which is attached as **Exhibit 1**.

Tempo's prepaid wireless Lifeline service offering will comply with the 911 requirements outlined in the *Lifeline Reform Order* necessary for application of conditional forbearance. Tempo will provide its prepaid wireless Lifeline subscribers with 911 and E911 access regardless of activation status and availability of minutes. Tempo will also provide its Lifeline subscribers with E911-compliant handsets and replace, at no additional charge to the

²³ 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d).

²⁴ *Lifeline Reform Order* ¶ 368.

²⁵ *Lifeline Reform Order* ¶ 368.

subscriber, any non-compliant handset. As noted above, Tempo will rely on its contractual arrangement with Sprint to provide 911 and E911 services to consumers, as well as obtain the handsets to be provided to consumers.²⁶ Tempo's MVNO arrangement with Sprint specifically addresses 911/E911 services and requires Sprint to supply handsets that satisfy all Commission requirements.

In further support of Tempo's eligibility for the conditional grant of forbearance from the facilities requirement, Tempo provides a copy of its approved Compliance Plan in **Exhibit 1**, which was prepared in accordance with the requirements of the *Lifeline Reform Order* and the Public Notice issued by the Wireline Competition Bureau on February 29, 2012.²⁷

D. Tempo Will Advertise the Availability of the Supported Services and the Relevant Charges Using Media of General Distribution

Tempo will publicize the availability of its prepaid wireless Lifeline service offering in a manner reasonably designed to reach those likely to qualify for the service.²⁸ Tempo will utilize the Commission's 2004 outreach guidelines for advertising its prepaid wireless Lifeline service offering.²⁹ Specifically, Tempo will utilize outreach materials and methods designed to reach households that currently do not have telephone service, will develop advertising materials for non-English speaking populations within its service area, and will coordinate its outreach efforts with relevant government agencies.

Tempo's advertising strategy for its prepaid wireless Lifeline service offering will build on its expertise in advertising its wireline Lifeline product currently offered as a non-ETC

²⁶ Tempo understands that it has an independent obligation to provide 911 and E911 services as a wireless reseller, and will utilize its underlying contractual arrangement with Sprint to meet that obligation. *See, e.g.*, 47 C.F.R. § 20.18(m); *Lifeline Reform Order* at n.989.

²⁷ *Wireline Competition Bureau Provides Guidance for the Submission of Compliance Plans Pursuant to the Lifeline Reform Order*, 27 FCC Rcd 2186 (2012).

²⁸ 47 C.F.R. § 54.405(b).

²⁹ *Lifeline and Link Up*, 19 FCC Rcd 8302, ¶¶ 45-48 (2004).

reseller. Tempo's advertising for its prepaid wireless Lifeline service offering will include, but not be limited to, targeted direct mail, advertisements in daily and weekly print periodicals, billboards, and radio advertising. Tempo will also coordinate with relevant state agencies, community outreach organizations, and non-profit organizations to make information available regarding Tempo's prepaid wireless Lifeline service offering in resource guides and other printed materials produced by those organizations, as well as in their offices or other locations visited by potential Lifeline-eligible subscribers. Tempo will build on the existing relationships with these organizations that Birch has in connection with Birch's current wireline Lifeline service offering as a non-ETC reseller. Tempo will also advertise through online search engines and third-party referral agents/dealers.³⁰ As required under the *Lifeline Reform Order*, Tempo will ensure the Commission-required disclosures, any DBA names it uses, and details of the prepaid wireless Lifeline service offering are contained in all marketing materials.³¹ An example of Tempo's marketing materials are attached as **Exhibit 4**.

IV. TEMPO MEETS THE ADDITIONAL REQUIREMENTS FOR ETC DESIGNATION UNDER SECTION 54.202 OF THE COMMISSION'S RULES

Section 54.202 of the Commission's rules contains certain additional requirements for a common carrier³² to be designated as an ETC. As set forth below, Tempo satisfies each of those requirements.

³⁰ Tempo explains its relationships with third-party dealers and retail outlets in its approved Compliance Plan (attached as **Exhibit 1**). Tempo confirms that a Tempo employee will be responsible for overseeing and finalizing every Lifeline enrollment prior to including that customer on a FCC Form 497 for reimbursement. Tempo will be responsible for the actions of all of its employees and agents, including those enrolling customers in any Tempo-owned, affiliated, or third-party retail location.

³¹ *Lifeline Reform Order* ¶¶ 274-282.

³² Tempo will be a common carrier by virtue of its provision of wireless services. *See* 47 U.S.C. § 332(c)(1)(A) (an entity providing commercial mobile services is deemed to be a common carrier); *see also* 47 U.S.C. § 332(d)(1) (defining "commercial mobile service" to be any mobile service that is provided for profit and makes interconnected service available to the public).

A. Tempo Will Comply with the Service Requirements Applicable to Lifeline Support

Section 54.202(a)(1) of the Commission's rules requires a common carrier seeking ETC designation to (1) certify that it will comply with the service requirements applicable to the support that it receives and (2) submit a five-year plan for proposed improvements or upgrades to the applicant's network unless the applicant is seeking Lifeline support only.³³ Tempo hereby certifies that it will comply with the service requirements applicable to Lifeline support as set forth herein and in its approved Compliance Plan set forth in **Exhibit 1**. Given that Tempo seeks designation for Lifeline support only, a five-year network improvement plan is no longer necessary.³⁴

B. Tempo Will Remain Functional in Emergency Situations

Section 54.202(a)(2) of the Commission's rules requires a common carrier seeking ETC designation to demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.³⁵ Tempo's MVNO contract arrangement with Sprint imposes certain obligations on Sprint to ensure Tempo's prepaid wireless Lifeline service offering remains functional during emergency situations.³⁶ As a large, nationwide wireless carrier, Sprint is subject to regulatory requirements to remain functional

³³ 47 C.F.R. § 54.202(a)(1).

³⁴ *Lifeline Reform Order* ¶ 386.

³⁵ 47 C.F.R. § 54.202(a)(2).

³⁶ Sprint will provide the underlying wireless services to Tempo, but Birch will provide any necessary billing services associated with the Tempo prepaid wireless Lifeline product to the Tempo end user customer. The Birch billing system will be served by two geographically separate data centers for back-up redundancy, one currently located in Macon, Georgia and the other in Emporia, Kansas.

during emergency situations.³⁷ Tempo's MVNO agreement with Sprint also contains certain quality of service guarantees.

As noted above, Tempo also will rely on Birch for various operational functions. Birch has been offering telecommunications services since 1996, and thus has significant experience with remaining functional in emergency situations. As a CLEC/IXC, Birch is currently subject to the Commission's outage reporting rules, as well as the back-up power and outage requirements in the states in which Birch operates. As a successful, profitable CLEC for over 15 years Birch has disaster recovery contingency plans that include diverse/alternate routing, electronics redundancy, dual data centers geographically separated, and environmental controls for data and switching centers. Tempo will rely on Birch to apply these same measures to Tempo's prepaid wireless Lifeline service offering to the extent there is an emergency situation affecting Tempo's operations.

C. Tempo Will Satisfy Applicable Consumer Protection and Service Quality Standards

Section 54.202(a)(3) of the Commission's rules requires a common carrier seeking ETC designation to demonstrate that it will satisfy applicable consumer protection and service quality standards.³⁸ Tempo will comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service to satisfy this requirement.

In response to a request from Commission staff, Tempo confirms that customers will be able to reach a live customer service representative between the hours of 8:00am to 8:00pm Eastern, Monday through Friday, and between the hours of 8:30am to 6:00pm Eastern on Saturdays. After these hours, the customer will receive a message informing it of Tempo's

³⁷ Tempo is also familiar with the continuity and disaster response program Sprint has implemented, which addresses the need to remain functional during emergency situations.

³⁸ 47 C.F.R. § 54.202(a)(3).

normal business hours and offering the customer the ability to utilize an automated payment system to add additional minutes, etc. If the customer does not choose to use the automated payment system, a recorded message will inform the customer to call back during normal business hours.

D. Tempo Is Financially and Technically Capable of Providing Lifeline Services in Accordance with the Commission's Rules

Section 54.202(a)(4) of the Commission's rules requires a common carrier seeking ETC designation for Lifeline support to demonstrate it is financially and technically capable of providing Lifeline service in compliance with the Commission's rules.³⁹ The Commission stated that the "relevant considerations" for satisfying this requirement would be whether the applicant previously offered services to non-Lifeline consumers, how long the applicant has been in business, whether the applicant intends to rely exclusively on universal service fund disbursements to operate, whether the applicant receives funds from other sources, and whether the applicant has been subject to enforcement action or ETC revocation proceedings in other states.⁴⁰

Tempo is financially capable of offering Lifeline services. Tempo does not intend to rely exclusively on universal service fund disbursements to operate, and will receive revenues from other sources. As discussed further above, Tempo will initially offer prepaid wireless voice and data services in 18 states starting in June 2013. This portion of Tempo's business will be fully operational prior to Tempo's receipt of ETC designation or its rollout of its prepaid wireless Lifeline services once designated. Tempo's core business will be the provision of wireless voice and data services to non-Lifeline customers. Based on its forward-looking business and financial

³⁹ 47 C.F.R. § 54.202(a)(4); *see also Lifeline Reform Order* ¶ 387.

⁴⁰ *Lifeline Reform Order* ¶ 388.

plans, Tempo projects that the majority of its target customer base will not be eligible to receive Lifeline service.

Further, Tempo has sufficient operating capital to provide prepaid wireless Lifeline services. In May 2013, the individual owners of Birch Capital, LLC (Tempo's sole member) contributed a significant amount of funding to the company. These "start-up" funds are large enough to cover the company's operating expenses for more than a month. Tempo projects that it will start accruing revenues from its prepaid non-Lifeline wireless voice and data services in July 2013.

The ultimate owners and management of Tempo are intimately familiar with the financial and technical needs of a telecommunications company. As noted above, Tempo utilizes the same management and day-to-day operational personnel as currently utilized by Birch, a company that has been operating as a successful competitive local exchange carrier since 1996. Birch's current corporate officers are also corporate officers of Tempo, and Tempo is owned by the same ultimate owners of Birch (but is not part of the Birch corporate family). In addition, Tempo relies on Birch for various network facilities, back office, billing, and customer support functions necessary for Tempo to provide both its Lifeline and non-Lifeline services.

Finally, Tempo is reselling the wireless services of Sprint for both its Lifeline and non-Lifeline services. Sprint provides wholesale capacity to numerous wireless resellers. Like several other prepaid wireless providers, Sprint will provide Tempo with the network infrastructure and wireless transmission facilities needed for Tempo to offer service as a MVNO. Sprint is a large, nationwide carrier, and serves several other MVNOs offering wireless Lifeline

products.⁴¹ Tempo's partnership with Sprint further demonstrates Tempo is technically and financially capable of providing a prepaid wireless Lifeline service.

E. Tempo Will Provide Prepaid Wireless Lifeline Service Plans to Eligible Consumers

Section 54.202(a)(5) of the Commission's rules require a common carrier seeking ETC designation for Lifeline support to submit information describing the terms and conditions of the voice telephony plans offered to Lifeline subscribers, including details on the number of minutes provided as part of the plan, additional charges for toll calls (if any), and rates for each such plan.⁴² At this time, Tempo plans to offer two prepaid wireless Lifeline options at no charge to the customer. Specifically, the customer can choose between the following options:

Option 1

250 nationwide minutes or 750 texts per month

Option 2

150 nationwide minutes or 450 texts per month with the ability to rollover unused minutes to the next month

Either option also will provide the customer with:

- Wireless handset (there are several handset options) - at least one free choice and the possibility of additional choices⁴³
- Voicemail
- National texting, with three (3) texts counting as one (1) minute
- 911 and E911 access as available

⁴¹ Based on filings made with the Commission, it appears Sprint also provides underlying MVNO services to other carriers such as PlatinumTel, i-wireless, and CAL Communications, which also have sought ETC designation from the Commission.

⁴² 47 C.F.R. § 54.202(a)(5).

⁴³ Tempo is still considering which handsets will be offered, but all handsets will be compliant with all applicable Commission requirements. Handsets will be offered for free in conjunction with the prepaid wireless Lifeline product. Based upon market availability and handset prices, the consumer may have a choice of handsets. Tempo is continuing to evaluate the possibility of offering premium handsets at an additional cost, but a free handset will always be offered to every prepaid wireless Lifeline subscriber.

- Custom calling features such as call waiting, call forwarding, and caller ID
- Option for international calling with per-minute pricing based on the country to be called, which will be provided to the consumer when opting for this capability
- Option to add wireless data plans for an additional cost (also dependent on handset)
- Option to purchase additional minutes anytime during the month that are available for 60 days from purchase at the following rates:

Additional Minutes	Price
200	13.95
250	16.95
300	19.95
400	25.95
900	49.95

Tempo's planned prepaid wireless Lifeline service offering is consistent with the Act's requirement that consumers have access to quality services at "just, reasonable, and affordable rates,"⁴⁴ and is consistent with the Commission's findings that Lifeline consumers should have the option to purchase bundled packages, additional calling features, and optional voice services.⁴⁵

As set forth in Tempo's approved Compliance Plan (attached as **Exhibit 1**), Tempo has established processes for ensuring Lifeline services are provided only to eligible customers, including procedures for confirming consumer eligibility, enrolling eligible customers, re-certifying eligibility at regular intervals, and recordkeeping. Attached as **Exhibit 5** are updated versions of Tempo's initial enrollment and certification form, which will also be used for re-certification as explained in Tempo's approved Compliance Plan (attached as **Exhibit 1**).

Tempo has revised its forms based on a request from Commission staff to include a statement

⁴⁴ 47 U.S.C. § 254(b)(1).

⁴⁵ *Lifeline Reform Order* ¶ 317.

that not all Lifeline services are marketed under the “Lifeline” name, and may be offered under other names, and to clarify that certain consumer information will be provided to the Universal Service Administrative Company for the purpose of verifying eligibility and maintaining the information in a database. Tempo has made similar changes to its script for third party verification (“TPV”) of Lifeline eligibility, and has informed its customer service representatives to include these statements in any oral disclosures given to potential Lifeline customers. Tempo also confirms in response to a request from Commission staff that a Tempo employee will be responsible for overseeing and finalizing every Lifeline enrollment prior to including that customer on a FCC Form 497 for reimbursement. Tempo will be responsible for the actions of all of its employees and agents, including those enrolling customers in any Tempo-owned, affiliated, or third-party retail location.⁴⁶

F. Designation of Tempo as a Lifeline-Only ETC Is in the Public Interest

Section 54.202(b) of the Commission’s rules requires the Commission make a public interest finding prior to making an ETC designation.⁴⁷ Designation of Tempo as an ETC for Lifeline support serves the public interest. Tempo’s ETC designation will bring another competitive alternative to low-income consumers in the Designated Service Area, and will exert further competitive pressures on existing wireless Lifeline providers operating in the Designated Service Area. Tempo seeks to make it easier for low-income consumers located within the Designated Service Area to receive affordable telecommunications services that are comparable to those enjoyed by other consumers. Tempo’s ETC designation serves the public interest by providing services to a portion of the public that may not otherwise be able to obtain

⁴⁶ Tempo explains its relationships with third-party dealers and retail outlets in its approved Compliance Plan (attached as **Exhibit 1**).

⁴⁷ 47 C.F.R. § 54.202(b).

telecommunications services due to insufficient credit, immigrant status, or living situation. Prepaid wireless services also offer consumers convenience, control over their telecommunications spending without the imposition of high monthly fees, and the ability to pay for only those services needed. The goals of universal service mandated by Congress and the Commission are therefore served by designation of Tempo as a Lifeline-only ETC.⁴⁸

V. TEMPO MEETS THE REQUIREMENTS FOR LIFELINE SERVICES UNDER SECTION 54.405 OF THE COMMISSION’S RULES

Under Section 54.405 of the Commission’s rules, an ETC has certain obligations to offer Lifeline service.⁴⁹ Tempo understands these obligations and will meet them as described below.

A. Tempo Will Make Lifeline Service Available as Defined under the Commission’s Rules

Section 54.405(a) of the Commission’s rules requires an ETC to make available Lifeline service, as defined in Section 54.401 of the Commission’s rules,⁵⁰ to qualifying low-income consumers.⁵¹ Tempo certifies that its prepaid wireless Lifeline service offering will conform to the definition of “Lifeline” in the Commission’s rules.

B. Tempo Will Publicize the Availability of Lifeline Service

Section 54.405(b) of the Commission’s rules requires an ETC to publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service.⁵² As described above in Section III.D., Tempo will publicize the availability of its prepaid wireless Lifeline service offering in a manner reasonably designed to reach eligible consumers.

⁴⁸ 47 U.S.C. § 254.

⁴⁹ 47 C.F.R. § 54.405.

⁵⁰ 47 C.F.R. § 54.401.

⁵¹ 47 C.F.R. § 54.405(a).

⁵² 47 C.F.R. § 54.405(b).

C. Tempo Will Include Certain Disclosures on Materials Describing Its Lifeline Service, Including the Name of the ETC

Sections 54.405(c) and (d) of the Commission’s rules require an ETC to make certain disclosures on all materials describing the Lifeline service offering, including the name of the ETC.⁵³ As noted above in Section III.D., Tempo will ensure that all materials describing its prepaid wireless Lifeline service offering use easily understood language to indicate that the service is a Lifeline service, that Lifeline is a government assistance program, that the service is non-transferrable, that only eligible consumers may enroll in the program, and that the program is limited to one discount per household as required under the rules.⁵⁴ Tempo will also ensure that all materials describing its prepaid wireless Lifeline service offering include its name as well as its D/B/A name of “Tempo” as the name of the ETC providing services.⁵⁵ Tempo understands that the term “materials describing the service” include all print, audio, video, and web materials used to describe or enroll in the Lifeline service offering, including application and certification forms.⁵⁶

D. Tempo Will Comply with the Commission’s De-Enrollment Procedures

Section 54.405(e) of the Commission’s rules requires an ETC to impose certain de-enrollment procedures for Lifeline services.⁵⁷ Tempo will comply with the Commission’s de-enrollment procedures as described more fully in the approved Compliance Plan set forth in **Exhibit 1**. As discussed in the Compliance Plan, Tempo will de-enroll Lifeline customers for

⁵³ 47 C.F.R. § 54.405(c), (d).

⁵⁴ 47 C.F.R. § 54.405(c).

⁵⁵ 47 C.F.R. § 54.405(d).

⁵⁶ 47 C.F.R. § 54.405(c).

⁵⁷ 47 C.F.R. § 54.405(d).

duplicative support, for non-usage, and for failure to re-certify, and will have general de-enrollment procedures in place.

VI. ANTI-DRUG ABUSE CERTIFICATION

Tempo certifies that, pursuant to Sections 1.2001 through 1.2003 of the Commission's rules, that neither Tempo nor its subsidiaries, affiliates, officers, directors, or persons holding 5% or more of its outstanding stock, are subject to a denial of federal benefits, including Commission benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.⁵⁸

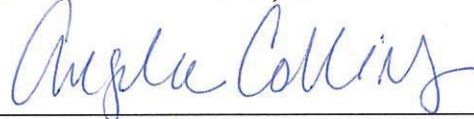
⁵⁸ *Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act*, 12 FCC Rcd 22947, 22948-949 (1997).

CONCLUSION

WHEREFORE, for the forgoing reasons, Tempo respectfully requests that the Commission expeditiously designate it as an ETC for the provision of prepaid wireless Lifeline services in the states of Alabama, Florida, North Carolina, Tennessee, and Texas.

Respectfully submitted,

TEMPO TELECOM, LLC



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Dated: May 13, 2013

Its Attorneys

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

IN RE:)	
)	
APPLICATION OF TEMPO TELECOM,	)	Application for Designation as an
LLC FOR DESIGNATION AS AN	)	Eligible Telecommunications
ELIGIBLE TELECOMMUNICATIONS	)	Carrier
CARRIER IN THE STATE OF SOUTH)	
CAROLINA)	
)	

EXHIBIT 6

**TEMPO TELECOM’S ADOPTION OF
BIRCH’S APPROVED COMPLIANCE PLAN**

Tempo Telecom, LLC Compliance Plan

Tempo Telecom, LLC (f/k/a Now Communications, LLC) has adopted the following Further Amended Compliance Plan of Birch Communications, Inc. dated June 29, 2012, which was approved by the Wireline Competition Bureau on August 8, 2012. *See Wireline Competition Bureau Approves the Compliance Plans of Birch Communications, Boomerang Wireless, IM Telecom, Q Link Wireless, and TAG Mobile*, 27 FCC Rcd 9184 (2012).

The Wireline Competition Bureau confirmed the adoption of the Compliance Plan by Tempo Telecom, LLC (f/k/a Now Communications, LLC) on December 20, 2012. *See Wireline Competition Bureau Seeks Comment on Petitions for Designation as a Low-Income Eligible Telecommunications Carrier filed by Now Comm, Zing PCS, LTS, Odin Wireless, and TX Mobile*, 27 FCC Rcd 15937 (2012) (“The Wireline Competition Bureau has approved Birch’s compliance plan, which will also apply to Now Comm.”).

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
BIRCH COMMUNICATIONS, INC.	)	WC Docket No. 09-197
)	
Compliance Plan	)	WC Docket No. 11-42
)	
)	
Petition for Designation as an Eligible)	
Telecommunications Carrier pursuant to)	
Section 214(e)(6) of the Communications Act)	
for Lifeline Support Only)	
_____)	

FURTHER AMENDED COMPLIANCE PLAN OF BIRCH COMMUNICATIONS, INC.

Birch Communications, Inc. (“Birch”), by its attorneys, respectfully submits this Amended Compliance Plan to be associated with its Petition for designation as an eligible telecommunications carrier (“ETC”) pursuant to Section 214(e)¹ of the Communications Act of 1934, as amended (the “Act”), and Section 54.201² of the rules and regulations of the Federal Communications Commission (“Commission”), which was filed on April 27, 2012 in the above-referenced matters. Birch’s original Compliance Plan was filed May 7, 2012, and an amendment was filed June 1, 2012. Birch seeks ETC designation for Lifeline support only to provide prepaid wireless services under the “NOW Communications” brand name in the non-rural areas of the following states: Alabama, Florida, North Carolina, and Tennessee (the “Designated Service Area”).³

¹ 47 U.S.C. § 214(e).

² 47 C.F.R. § 54.201.

³ Birch is reviewing whether a separate legal entity should be established for the provision of its prepaid wireless Lifeline service or whether the service should be provided through one of the existing Birch entities, such as Birch Telecom of the South, Inc. (FCC Filer ID 820616), which is a subsidiary of Birch and operates as a certificated carrier in Alabama, Florida, North Carolina, and Tennessee. More information on Birch’s corporate structure is set forth herein.

Both the Act and the Commission's rules require a carrier seeking ETC designation to offer the supported services using its own facilities or a combination of its own facilities and resale of another carrier's services.⁴ In the *Lifeline Reform Order*, however, the Commission decided to conditionally forbear from application of the Act's facilities requirement to all telecommunications carriers that seek limited ETC designation to participate in the Lifeline program.⁵ Specifically, the Commission determined that conditional forbearance from the facilities requirement would apply if the carrier: (1) complied with certain 911 requirements and (2) filed and received approval of a compliance plan providing specific information regarding the carrier's service offerings and outlining the measures the carrier will take to implement the obligations contained in the *Lifeline Reform Order* as well as further safeguards against waste, fraud and abuse as the Wireline Competition Bureau may deem necessary.⁶

To avail itself of the Commission's conditional grant of forbearance from the facilities requirement, Birch provides this Compliance Plan in accordance with the requirements of the *Lifeline Reform Order*⁷ and the *Public Notice* issued by the Wireline Competition Bureau on February 29, 2012.⁸ Specifically, Birch's Compliance Plan provides information regarding Birch's planned Lifeline service offerings and outlines the measures Birch will take to implement the obligations contained in the *Lifeline Reform Order* as well as further safeguards

⁴ 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d).

⁵ *Lifeline Reform Order* ¶ 368.

⁶ *Lifeline Reform Order* ¶ 368.

⁷ WC Docket Nos. 11-42, 03-109, 12-23 and CC Docket No. 96-45, *Lifeline and Link Up Reform and Modernization, et al.*, FCC 12-11, Report and Order and Further Notice of Proposed Rulemaking, ¶ 368 ("*Lifeline Reform Order*").

⁸ WC Docket Nos. 09-197, 11-42, *Wireline Competition Bureau Provides Guidance for the Submission of Compliance Plans Pursuant to the Lifeline Reform Order*, Public Notice, DA 12-314 (rel. Feb. 29, 2012) ("*Public Notice*").

against waste, fraud and abuse. To that end, Birch provides the information requested in the *Public Notice*, which indicated compliance plans should contain the following:

(1) Information about the carrier and the Lifeline plans it intends to offer:

(a) names and identifiers used by the carrier, its holding company, operating company and all affiliates;

Birch is a competitive local exchange carrier (“CLEC”) and interexchange carrier (“IXC”), and since 1996 has been providing high-quality, cost-effective integrated communications services and related information technology services to residential and small and medium-sized business (“SMB”) customers. Today, Birch offers a variety of products, services and tailored solutions including local voice, long distance voice, broadband Internet, converged Internet Protocol (“IP”) solutions, and related telecommunications and IT services.

Birch is a Georgia corporation with offices located at 3060 Peachtree Road NW, Suite 1065, Atlanta, GA 30305 and 2300 Main Street, Suite 340, Kansas City, MO 64108. Birch has authority to provide interstate and international telecommunications services from the Commission.⁹ Birch’s wholly-owned subsidiary, Birch Communications of Virginia, Inc., operates pursuant to Birch’s international 214 authority and is registered to provide interstate telecommunications services.¹⁰ Birch’s wholly-owned subsidiary, Birch Telecom, Inc., has authority to provide international telecommunications services.¹¹ The following wholly-owned subsidiaries of Birch Telecom, Inc. operate pursuant to Birch Telecom Inc.’s international authority and also provide interstate telecommunications services: Birch Telecom of the South, Inc., Birch Telecom of the West, Inc., Birch Telecom of the Great Lakes, Inc., Birch Telecom of Missouri, Inc., Birch Telecom of Oklahoma, Inc., Birch Telecom of Texas Ltd., LLP, Birch

⁹ IB File No. ITC-214-19970926-00584, FCC Filer ID 815113.

¹⁰ FCC Filer ID 828502.

¹¹ IB File No. ITC-214-19990701-00441.

Telecom of Kansas, Inc., Birch Communications of the Northeast, Inc., Ionex Communications, Inc., Ionex Communications South, Inc., and Ionex Communications North, Inc.¹² Each of these subsidiaries also operates under the D/B/A name of “Birch Communications,” and certain of Birch’s subsidiaries also serve customers under the brand name “NOW Communications.”¹³ Customers purchasing Birch’s prepaid wireless Lifeline service offering will see the “NOW Communications” logo.¹⁴

The Birch family of companies either offer service or are certificated to offer telecommunications services as CLECs and intrastate IXC in the following 38 states: Alabama, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, New Jersey, New Mexico, New York, North Carolina, North Dakota, Nebraska, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, Wisconsin, and Wyoming. The Birch family of companies currently serves approximately 118,000 customers throughout Birch’s 38-state territory.

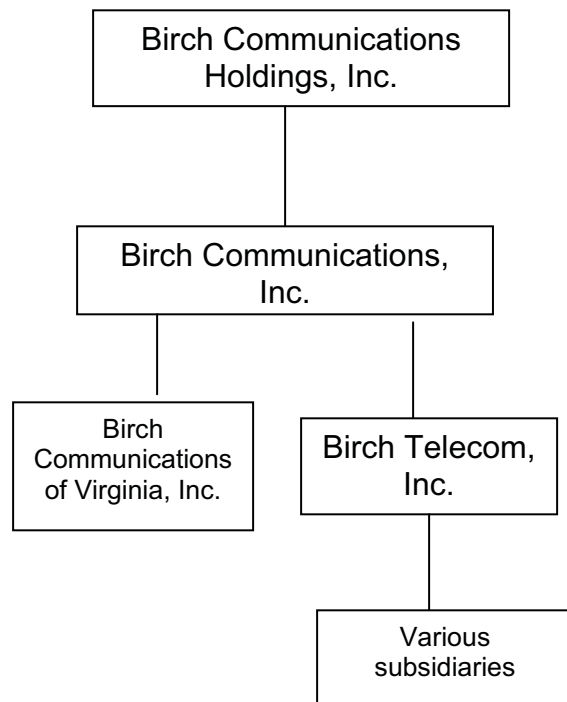
Birch Communications Holdings, Inc. (“Birch Holdings”) owns a 100% voting and equity interest in Birch. Birch Holdings is a Georgia corporation whose principal business is

¹² Birch Telecom of the South, Inc. (FCC Filer ID 820616), Birch Telecom of the West, Inc. (FCC Filer ID 827985), Birch Telecom of the Great Lakes, Inc. (FCC Filer ID 826636), Birch Telecom of Missouri, Inc. (FCC Filer ID 819422), Birch Telecom of Oklahoma, Inc. (FCC Filer ID 820061), Birch Telecom of Texas LTD LLP (FCC Filer ID 819948), Birch Telecom of Kansas, Inc. (FCC Filer ID 807993), IONEX Communications, Inc. (FCC Filer ID 815376), Birch Communications of the Northeast, Inc. (FCC Filer ID 828483), Ionex Communications South, Inc. (FCC Filer ID 808443), Ionex Communications North, Inc. (FCC Filer ID 815082).

¹³ These subsidiaries are Birch Telecom of the South, Inc., Birch Telecom of Missouri, Inc., Birch Telecom of Kansas, Inc., Birch Telecom of Oklahoma, Inc., and Birch Telecom of Texas Ltd., L.L.P. Birch acquired the use of the “NOW Communications” trade name in an earlier asset acquisition.

¹⁴ Birch is reviewing whether a separate legal entity should be established for the provision of its prepaid wireless Lifeline service or whether the service should be provided through one of the existing Birch entities, such as Birch Telecom of the South, Inc. (FCC Filer ID 820616), which is a certificated carrier in Alabama, Florida, North Carolina, and Tennessee.

telecommunications holdings. The address for Birch Holdings is 3060 Peachtree Road, NW, Suite 1065, Atlanta, GA 30305. Below is Birch's organizational chart:



The following entities and individuals hold a ten percent (10%) or greater direct or indirect ownership interest in Birch Holdings: (1) Holcombe Green, a U.S. citizen, owns a 66% voting and equity interest in Birch Holdings and (2) R. Kirby Godsey, a U.S. citizen, owns a 32% voting and equity interest¹⁵ in Birch Holdings. The business address for both Mr. Green and Mr. Godsey is 3060 Peachtree St., NW, Suite 1060, Atlanta, GA 30305. None of the entities or individuals holding an interest in Birch or Birch Holdings hold any interests in other telecommunications-related entities.

¹⁵ R. Kirby Godsey holds his percentage through his individual holdings and through the R. Kirby Godsey 2008 Grantor Retained Annuity Trust.

(b) detailed information demonstrating that the carrier is financially and technically capable of providing the supported Lifeline service in compliance with the Commission's rules;

The Commission has stated that the “relevant considerations” for demonstrating that a carrier is financially and technically capable would be whether the applicant previously offered services to non-Lifeline consumers, how long the applicant has been in business, whether the applicant intends to rely exclusively on universal service fund disbursements to operate, whether the applicant receives funds from other sources, and whether the applicant has been subject to enforcement action or ETC revocation proceedings in other states.¹⁶ Birch has been operating as a CLEC/IXC since 1996, and currently operates in 38 states. In addition to the other services it offers, Birch has been providing wireline Lifeline services in 18 states as a non-ETC reseller using resold services obtained from AT&T for numerous years. Birch serves approximately 1800 wireline Lifeline customers at this time as a non-ETC reseller. Birch does not, and will not, rely on universal service fund disbursements to operate - the majority of Birch's funds to operate will come from the non-Lifeline services it provides throughout its 38-state territory. Birch has not been subject to an abnormal number of enforcement proceedings given the significant number of customers it serves and the more than 15 years it has been offering service.

With respect to the prepaid wireless Lifeline service, Birch will resell the wireless services of Sprint, which provides wholesale capacity to wireless resellers. Like several other prepaid wireless providers, Sprint will provide Birch with the network infrastructure and wireless transmission facilities needed for Birch to offer service as a Mobile Virtual Network Operator (“MVNO”). Sprint is a large, nationwide carrier, and serves several other MVNOs offering

¹⁶ *Lifeline Reform Order* ¶ 388.

wireless Lifeline products.¹⁷ Birch's partnership with Sprint further demonstrates that Birch is technically capable of providing a prepaid wireless Lifeline service.

(c) detailed information, including geographic locations, of the carrier's current service offerings if the carrier currently offers service;

Please see Birch's response to 1(a) above. Birch currently provides local, toll, domestic long distance, and international long distance as a CLEC/IXC in the 38 states listed above. Birch also provides broadband Internet, converged IP solutions, and related telecommunications and IT services throughout its 38-state service territory.

(d) the terms and conditions of each Lifeline service plan offering, including rates, the number of minutes provided, and additional charges, if any, for toll calls; and

At this time, Birch plans to offer the following prepaid wireless Lifeline plan at no charge to an eligible customer:

Basic Plan Prepaid Wireless Lifeline Plan

Wireless handset (there are several handset options) - at least one free choice and the possibility of additional choices¹⁸

250 nationwide minutes per month

Voicemail

National texting, with each text sent or received counting as 1 minute

911 and E911 access as available

Option to purchase additional minutes anytime during the month that carry over for 2 months

Option for international calling with per-minute pricing based on the country to be called, which will be provided to the consumer when opting for this capability

¹⁷ Based on filings made with the Commission, it appears Sprint also provides underlying MVNO services to other carriers such as PlatinumTel, i-wireless, and CAL Communications, which also have sought ETC designation from the Commission.

¹⁸ Birch is still considering which handsets will be offered, but all handsets will be compliant with all applicable Commission requirements. Handsets will be offered for free in conjunction with the prepaid wireless Lifeline product. Based upon market availability and handset prices, the consumer may have a choice of handsets. Birch is continuing to evaluate the possibility of offering premium handsets at an additional cost, but a free handset will always be offered to every prepaid wireless Lifeline subscriber.

Additional minutes

Minutes	Price
200	13.95
250	16.95
300	19.95
400	25.95
900	49.95

Available minutes are nationwide, and there are no additional charges for toll calling.

(e) all other certifications required under newly amended section 54.202 of the Commission's rules.

Section 54.202 of the Commission's rules requires a common carrier seeking ETC designation to: (1) certify that it will comply with the service requirements applicable to the support that it receives;¹⁹ (2) submit a five-year plan for proposed improvements or upgrades to the applicant's network unless the applicant is seeking Lifeline support only;²⁰ (3) demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations;²¹ (4) demonstrate that it will satisfy applicable consumer protection and service quality standards;²² (5) demonstrate it is financially and technically capable of providing Lifeline service in compliance with the Commission's rules;²³ and (6) submit information describing the terms and conditions of the voice telephony plans offered to

¹⁹ 47 C.F.R. § 54.202(a)(1)(i).

²⁰ 47 C.F.R. § 54.202(a)(1)(ii).

²¹ 47 C.F.R. § 54.202(a)(2).

²² 47 C.F.R. § 54.202(a)(3).

²³ 47 C.F.R. § 54.202(a)(4).

Lifeline subscribers, including details on the number of minutes provided as part of the plan, additional charges for toll calls (if any), and rates for each such plan.²⁴

Birch has addressed (5) and (6) above in (1)(b) and (1)(d), and the five-year plan required under (2) is no longer applicable given that Birch seeks designation for Lifeline support only.²⁵

With respect to (1), Birch seeks ETC designation for Lifeline support only, and therefore certifies that it will comply with the service requirements applicable to Lifeline support.

With respect to (3), Birch has the ability to remain functional in emergency situations. Birch has been offering telecommunications services since 1996, and thus has significant experience with remaining functional in emergency situations. As a CLEC/IXC, Birch is currently subject to the Commission's outage reporting rules, as well as the back-up power and outage requirements in the states in which Birch operates. As a successful, profitable CLEC for over 15 years Birch has disaster recovery contingency plans that include diverse/alternate routing, electronics redundancy, dual data centers geographically separated, and environmental controls for data and switching centers. Birch will apply these same measures to its prepaid wireless Lifeline service offering to the extent there is an emergency situation affecting Birch's operations. Birch's MVNO contract arrangement with Sprint also imposes certain obligations on Sprint to ensure Birch's prepaid wireless Lifeline service offering remains functional during emergency situations.²⁶ As a large, nationwide wireless carrier, Sprint is subject to regulatory

²⁴ 47 C.F.R. § 54.202(a)(5).

²⁵ *Lifeline Reform Order* ¶ 386.

²⁶ While Sprint will provide the underlying wireless services to Birch, Birch will provide billing services associated with the prepaid wireless Lifeline product to the Birch end user customer. The Birch billing system will be served by two geographically separate data centers for back-up redundancy, one currently located in Macon, Georgia and the other in Emporia, Kansas.

requirements to remain functional during emergency situations.²⁷ Birch's MVNO agreement with Sprint also contains certain quality of service guarantees.

With respect to (4), Birch will satisfy applicable consumer protection and service quality standards. As a CLEC/IXC, Birch is currently subject to the consumer protection and service quality standards promulgated by the Commission and the states in which Birch operates. Birch will apply these same practices to its prepaid wireless Lifeline service product, and will comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service to satisfy this requirement as permitted by the Commission's rules.²⁸

(2) A detailed explanation of how the carrier will comply with the Commission's new rules relating to determinations of subscriber eligibility for Lifeline services, including all of the consumer eligibility, consumer enrollment, and re-certification procedures, as required by Section VI and Appendix C of the *Lifeline Reform Order*, and a copy of the carrier's certification form.

Birch currently offers wireline Lifeline services as a non-ETC reseller. Birch is therefore intimately familiar with the Commission's procedures for confirming consumer eligibility, enrolling eligible customers, re-certifying eligibility at regular intervals, and recordkeeping. Birch plans to build on that expertise in offering its prepaid wireless Lifeline service offering as an ETC. Birch has implemented the Commission's *Lifeline Reform Order* rule changes into its existing wireline, non-ETC Lifeline program.²⁹ Birch will utilize the same processes outlined below for both its prepaid wireless Lifeline service (as an ETC) and its wireline Lifeline service (as a non-ETC reseller) to the extent applicable.

²⁷ Birch is also familiar with the continuity and disaster response program Sprint has implemented, which addresses the need to remain functional during emergency situations.

²⁸ 47 C.F.R. § 54.202(a)(3).

²⁹ Birch recently received and executed a certification form from AT&T, its underlying provider for its resold Lifeline services, in which Birch certified its compliance with the FCC's *Lifeline Reform Order* requirements for Birch's provision of wireline Lifeline services as a non-ETC reseller.

Set forth as Attachment A is an initial draft of Birch's prepaid wireless Lifeline enrollment and certification forms. Birch is continuing to refine these documents and will make any necessary changes to the extent the Commission or the Universal Service Administrative Company ("USAC") issue additional guidance on the language to be contained on enrollment and certification forms. Birch also confirms that it will comply with any future Commission or USAC guidance, directives, or rule changes regarding the Lifeline program.

Consumer Eligibility

Under its current procedures for its wireline Lifeline offering (as a non-ETC reseller), Birch utilizes the Texas Low Income Database Administrator database to verify and document a Texas consumer's eligibility for Lifeline service. Until a national database is available, Birch will utilize available state-level databases to verify eligibility for its prepaid wireless Lifeline service offering as required under the Commission's rules. Where state-level database technology is not available, Birch will require potential customers to provide their proof of eligibility documentation directly to Birch (either via facsimile, U.S. mail, electronic mail, or through a Birch-authorized third-party dealer as discussed below). New subscribers can be added to the Lifeline program through Birch internal sales agents or through Birch-authorized third-party dealers. Birch currently utilizes approximately 100 third-party dealers for its wireline Lifeline product (non-ETC reseller), and plans to offer its wireless Lifeline product at those same locations plus additional locations that would be frequented by the target audience for Lifeline services. Birch's current third-party dealers include check cashing locations, grocery stores, computer stores, independent telephone retailers, storage facilities, beauty supply stores, and pawn shops. Once wireless Lifeline service is implemented, Birch plans to add independent wireless retailers and mall kiosks to its potential third-party dealer locations.

In the internal sales agent situation, the potential subscriber would provide its eligibility documentation to Birch and would complete the enrollment and certification form in paper format, via third-party verification (or “TPV”), or via electronic signature as described in the “Enrollment and Certification” section below. As described in more detail below, the handset would then be shipped to the customer after Birch verifies the customer’s eligibility to obtain a Lifeline product and has obtained all necessary certifications from the customer. The flow-chart in Attachment B-1 provides more detail on the process using internal sales agents.

At the third-party retail location, a potential subscriber can provide its eligibility information in-person to the third-party dealer, which will then be transmitted to Birch for review as explained below. The potential subscriber can also complete the enrollment and certification form discussed further below and a draft of which is set forth in Attachment A. As described in more detail below, the handset would then be shipped to the customer after Birch verifies the customer’s eligibility to obtain a Lifeline product and has obtained all necessary certifications from the customer. The flow-chart in Attachment B-2 provides more detail on the process using third-party retail locations. To ensure compliance with the Commission’s one-per-household and other Lifeline eligibility requirements, Birch will require its third-party dealers to have their employees participate in quarterly webinars to receive training (and re-training) on Commission-compliance requirements for Lifeline services. Birch will also supply each third-party dealer with copies of written materials providing detailed information on the Commission’s Lifeline compliance requirements. Birch will then require the third-party dealer to sign documentation certifying that all employees selling Birch Lifeline services have read the Lifeline compliance requirements provided by Birch, understand the Lifeline compliance requirements,

and will comply with the Lifeline compliance requirements. Birch will conduct periodic audits and random checks of its third-party dealers to ensure compliance with the Commission's rules.

It is important to note that, even when a customer signs up for Lifeline service through a third-party dealer, eligibility information provided by potential consumers will be reviewed by appropriate Birch personnel pursuant to Birch's internal policies for review of Lifeline eligibility documents. Until such time as there is adequate database access allowing third-party dealers to confirm eligibility automatically through Commission-sanctioned databases, all initial eligibility determinations will be made by Birch personnel. And even after third-party dealers have access to eligibility databases, Birch will review and verify a consumer's eligibility prior to seeking reimbursement for that customer. As part of confirming a potential customer's eligibility, Birch personnel will also confirm that there is no Lifeline duplication using the process discussed under (5) below. Detailed information regarding the documents provided by the potential customer and Birch's review of the documentation will be included in the customer's account information as kept in Birch's internal recordkeeping system. Any actual documentation provided by the potential customer will be destroyed or returned to the customer upon request.³⁰

Enrollment and Certification

Once Birch determines a potential customer is eligible to receive a Lifeline service product, Birch will proceed to enroll the customer in its prepaid wireless Lifeline program and obtain the necessary certifications under the Commission's rules (this can be done by an internal Birch sales agent or a Birch-authorized third-party dealer as explained above). In its current wireline Lifeline service offering (as a non-ETC reseller), Birch utilizes TPV to enroll customers and confirm their certification for Lifeline eligibility in addition to paper enrollment/certification

³⁰ *Lifeline Reform Order* ¶ 101.

forms. Birch plans to continue utilizing TPV for its prepaid wireless Lifeline service product³¹ to the extent Birch can ensure all Commission-required information is included in the TPV without the process becoming too unwieldy for the potential customer. Birch also plans to make paper forms available for enrollment/certification and also is looking to develop an online portal that potential customers could access via any Internet connection, including at their local libraries or social service organizations for electronic signature of the required documentation.

As part of the enrollment/certification process, Birch will first obtain the relevant contact information from the potential customer: (a) full name; (b) full residential address; (c) whether the residential address is permanent or temporary; (d) billing address if different than residential; (e) date of birth, (f) last 4 digits of Social Security Number; (g) if qualifying under federal or state assistance program, which program; and (h) if qualifying under income-based criteria, the number of individuals in the household. Birch will also require the customer to indicate whether the household is shared, which would trigger the use of the Lifeline Household Worksheet developed by USAC (included as part of Birch's draft enrollment and certification form set forth in Attachment A). Birch will also confirm that the customer understands its information may be shared with USAC as necessary under the Commission's rules and to ensure there is no duplication of Lifeline benefits.

Next, Birch will utilize its TPV script or the paper form (or online portal once developed) to address each of the certifications required under the Commission's rules. The certifications will be addressed through individual questions, each to be answered by the customer before

³¹ The Commission has recognized TPV is an acceptable method for obtaining such information. *See Lifeline Reform Order* ¶ 169.

moving any further in the TPV script³² or each to be initialed by the customer on the paper form (or each to be individually acknowledged in an online format):

- Certifying, under penalty of perjury, that the consumer meets the Lifeline eligibility requirements because either the household receives benefits from a qualifying state or federal assistance program (and naming the program) or has income at or below 135% of the Federal Poverty Guidelines;
- Certifying, under penalty of perjury, that the consumer has presented documentation to Birch that accurately represents the consumer's household income or participation in the program;
- Certifying, under penalty of perjury, that the consumer will notify Birch within 30 days when it is no longer eligible for Lifeline service, whether because the consumer no longer qualifies, it has another Lifeline supported service, or for any other reason, and confirming that the customer understands failure to so notify Birch may subject it to penalties;
- Certifying, under the penalty of perjury, that the information the consumer is providing to Birch is true and correct to the best of its knowledge;
- Certifying, under the penalty of perjury, that the consumer understands that providing false or fraudulent information to receive Lifeline benefits is punishable by law;
- Certifying, under penalty of perjury, that the consumer understands it will be required to annually re-certify its continued eligibility for Lifeline at any time and that failure to do so will result in the termination of the consumer's Lifeline benefits;

³² The customer will be required to answer "Yes" to these questions on the recorded TPV to enroll in Birch's prepaid wireless Lifeline program. TPV recordings are searchable by confirmation number and primary telephone number assigned to the customer. TPV confirmation numbers will be stored in the order and account notes associated with the customer.

- Certifying, under penalty of perjury, that the consumer will provide its new address to Birch within 30 days of moving;
- Certifying, under penalty of perjury, that the consumer will be required to verify its temporary address every 90 days if the subscriber provides a temporary residential address when initially enrolling;
- Certifying, under penalty of perjury that the subscriber's household is receiving no more than one Lifeline-supported service, that the consumer receives Lifeline-supported service only from Birch, and to the best of the consumer's knowledge no one else in the subscriber's household is receiving a Lifeline-supported service;
- Certifying that the consumer understands that Lifeline is a government benefit and consumers who willfully make false statements in order to obtain the benefit can be punished by fine or imprisonment or can be barred from the program;
- Certifying that the consumer understands that Lifeline is a non-transferrable benefit, and that an eligible Lifeline subscriber may not transfer its phone service to anyone else, not even someone who is also eligible;
- Certifying that the consumer understands that non-usage of its prepaid wireless Lifeline service from Birch for any consecutive 60-day period of time will result in de-enrollment and deactivation of the service; and
- Certifying that the consumer understands that (a) Lifeline is a federal benefit; (b) Lifeline service is available for only one line per household; (c) a household is defined for purposes of the Lifeline program as any individual or group of individuals who live together at the same address and share income and expenses; (d) a household is not permitted to receive Lifeline benefits from multiple providers; and (e) violation of the

one-per-household rule constitutes a violation of Commission rules and will result in the consumer's de-enrollment from the program and could result in criminal prosecution by the United States government.

Birch will ensure its TPV script and paper documentation is written in clear, easily understood language. Birch will retain its TPV recordings and copies of its paper enrollment/certification documentation for at least five (5) years.

Once all eligibility determinations and documentation requirements are complete, Birch will ship the handset to the customer via overnight delivery to the address listed on the enrollment form. Birch will require the customer to take affirmative steps to "personally activate" the service, either by requiring the customer to use the handset to activate the Lifeline service or to complete an outgoing call.³³ If service is not initiated, Birch will not consider the consumer to be enrolled in the Lifeline program and Birch will not request Lifeline reimbursement until the subscriber personally activates its service.³⁴ The flow-charts in Attachments B-1 and B-2 provide more detail on the certification process using both internal sales agents and third-party dealers.

Annual Re-Certification

Birch's systems are capable of tracking and flagging the anniversary of a Lifeline customer's start date. Birch plans to utilize this anniversary date to ensure its Lifeline customers re-certify their eligibility to participate in the Lifeline program once a year. Birch will utilize state-level databases or the national database to the extent available to re-certify customers. Until that time, Birch plans to contact its prepaid wireless Lifeline customers via written notification, and is exploring the ability to utilize text messaging, automated voicemail, and TPV

³³ *Lifeline Reform Order* ¶ 260.

³⁴ *Lifeline Reform Order* ¶ 257.

re-certification procedures. Any customers that do not re-certify within the 30-day window will be de-enrolled from Birch's prepaid wireless Lifeline service within five (5) business days after the expiration of the subscriber's time to respond to Birch's re-certification efforts as required by Commission's rules, which is explained in more detail below.³⁵ Birch will retain any TPV recordings, paper forms, copies of text message, or other documentation for re-certification for at least five (5) years. The flow-chart in Attachment B-3 provides more detail on the annual re-certification process.

(3) A detailed explanation of how the carrier will comply with the forbearance conditions relating to public safety and 911/E-911 access.

Birch's prepaid wireless Lifeline service offering will comply with the 911 requirements outlined in the *Lifeline Reform Order* necessary for application of conditional forbearance. Birch will provide its prepaid wireless Lifeline subscribers with 911 and E911 access regardless of activation status and availability of minutes. Birch will also provide its Lifeline subscribers with E911-compliant handsets and replace, at no additional charge to the subscriber, any non-compliant handset. Birch will rely on its contractual arrangement with Sprint to provide 911 and E911 services to consumers, as well as obtain the handsets to be provided to consumers.³⁶ Birch's MVNO arrangement with Sprint specifically addresses 911/E911 services and requires Sprint to supply handsets that satisfy all Commission requirements.

³⁵ 47 C.F.R. § 54.405(e)(4).

³⁶ Birch understands that it has an independent obligation to provide 911 and E911 services as a wireless reseller, and will utilize its underlying contractual arrangement with Sprint to meet that obligation. *See, e.g.*, 47 C.F.R. § 20.18(m); *Lifeline Reform Order* at n.989.

(4) A detailed explanation of how the carrier will comply with the Commission’s marketing and disclosure requirements for participation in the Lifeline program;

Birch will publicize the availability of its prepaid wireless Lifeline service offering in a manner reasonably designed to reach those likely to qualify the service.³⁷ Birch will utilize the Commission’s 2004 outreach guidelines for advertising its prepaid wireless Lifeline service offering.³⁸ Specifically, Birch will utilize outreach materials and methods designed to reach households that currently do not have telephone service, will develop advertising materials for non-English speaking populations within its service area, and will coordinate its outreach efforts with relevant government agencies. As required under the *Lifeline Reform Order*, Birch will ensure the Commission-required disclosures, any DBA names it uses, and details of the prepaid wireless Lifeline service offering are contained in all marketing materials.³⁹

Birch’s advertising strategy for its prepaid wireless Lifeline service offering will build on its expertise in advertising its wireline Lifeline product currently offered as a non-ETC reseller. Birch understands that its ability to provide wireline Lifeline services as a non-ETC reseller may be limited in the future. As part of its marketing efforts for its prepaid wireless Lifeline service, Birch will market to those consumers currently taking its wireline Lifeline product, but will ensure that the consumer receives only one Lifeline service in accordance with the Commission’s one-per-household rules.

Birch’s advertising for its prepaid wireless Lifeline service offering will include, but not be limited to, targeted direct mail, advertisements in daily and weekly print periodicals, billboards, event sponsorship, bus advertising, radio advertising, and online search engines. Birch will also engage in outbound calling campaigns (consistent with applicable telemarketing

³⁷ 47 C.F.R. § 54.405(b).

³⁸ *Lifeline and Link Up*, 19 FCC Rcd 8302, ¶¶ 45-48 (2004).

³⁹ *Lifeline Reform Order* ¶¶ 274-282.

regulations). Birch will obtain marketing calling lists through various marketing activities, which may include, but not be limited to interest forms completed by prospective customers who have attended a marketing event and have provided their phone number indicating their interest in being contacted. Birch also plans to target its current wireline Lifeline customers (served by Birch as a non-ETC reseller) to determine interest in converting from wireline Lifeline service to wireless Lifeline service. Birch will also consider purchasing prospective customer lists for outbound calling campaigns once the company has determined such lists effectively target potential Lifeline customers and adhere to all applicable telemarketing regulations. Once Birch has a list of prospective customer to contact, Birch marketing personnel will deliver a marketing message that accurately and in detail describes the benefits of the Lifeline program, how the Lifeline program works, and eligibility requirements to qualify as a Lifeline customer, including a determination of whether the prospective customer is already receiving a Lifeline service (duplicative service check). If the prospective customer appears initially qualify, the outbound marketing call will initiate the completion of the Birch Lifeline Enrollment Form and receipt program eligibility documents to be reviewed by Birch personnel.

Birch will also coordinate with relevant state agencies, community outreach organizations, and non-profit organizations to make information available regarding Birch's prepaid wireless Lifeline service offering in resource guides and other printed materials produced by those organizations, as well as in their offices or other locations visited by potential Lifeline-eligible subscribers. Birch has existing relationships with these organizations in connection with its current wireline Lifeline service offering. Birch will pro-actively market its prepaid wireless Lifeline services through state, county, municipal and non-profit community action agencies, associations and networks. These agencies support Lifeline eligible individuals and families in

obtaining support services, employment, employment training, life skills training and other services. Birch will have marketing personnel dedicated to building strong relationships with these agencies - and formulate marketing programs that support the missions of these agencies. Birch will raise awareness of Birch Lifeline services through the inclusion of Birch Lifeline information in resource guides and other support materials (online and in printed materials issued by the agency) that are provided to Lifeline-eligible prospective customers. Birch will also pursue referral arrangements and partnerships where a non-profit non-governmental agency can specifically refer Lifeline-eligible customers directly to Birch in exchange for minimal compensation or other remuneration to the agency for the referral. Birch will also raise awareness of its Lifeline services through sponsoring events held by these agencies.

(5) A detailed explanation of the carrier's procedures and efforts to prevent waste, fraud and abuse in connection with Lifeline funds, including but not limited to, procedures the carrier has in place to prevent duplicate Lifeline subsidies within its own subscriber base, procedures the carrier undertakes to de-enroll subscribers receiving more than one Lifeline subsidy per household, information regarding the carrier's toll limitation service, if applicable, and the carrier's non-usage policy, if applicable.

Prior to enrolling a Lifeline customer, Birch will take two steps to prevent duplicate Lifeline subsidies within its own subscriber base. First, Birch will review its own service records to ensure the potential customer is not currently receiving a Lifeline service from Birch. Second, Birch will utilize available state-level databases and the national database to be created to ensure the potential customer is not currently receiving a Lifeline service from any other carrier. Birch will promptly investigate any notification it receives from a state, the Commission, or USAC that one of its Lifeline customers is improperly receiving service. Birch will also update any required databases within one (1) business day of de-enrolling a consumer.⁴⁰ The flow-chart set forth in Attachment B-4 provides additional detail on the de-enrollment process described herein.

⁴⁰ *Lifeline Reform Order* ¶ 257.

De-enrollment for failure to re-certify. Birch will also re-check its internal databases and available state-level or federal databases as part of its annual re-certification process. Birch will issue a letter separate from the invoice to all subscribers, requesting them to recertify and noticing the subscriber that failure to respond within 30 days will trigger de-enrollment. The subscriber will be given the option to mail or fax back the re-certification form. The subscriber will also be given the option to complete their recertification form online, over the phone with TPV, or by mail. If the subscriber fails to respond with their completed form and documentation of eligibility by the 30th day of the notice period, Birch will de-enroll the customer by taking the following steps: Birch will place a Local Service Request (“LSR”) with the supporting local exchange carrier to remove the Lifeline USOC to prevent further credits; remove the credit supplied by Birch to the end user from the billing system; and the credit may only be reapplied if customer goes through certification process again. The flow-chart in Attachment B-3 provides more detail on the annual re-certification process.

De-enrollment for duplicative support. Birch understands that duplicative claims are wasteful and burden the fund, and will take all necessary steps to swiftly de-enroll consumers found to be receiving duplicative federal Lifeline discounts. Upon notification from the Commission, a state, or USAC that a subscriber is receiving Lifeline service from another carrier, or more than one member of a household is receiving Lifeline service, Birch will de-enroll the subscriber within five business days.⁴¹ To the extent de-enrollment is necessary due to duplicative support, Birch will take the following steps to de-enroll a customer: Birch will immediately place a LSR with the supporting local exchange carrier to remove the Lifeline USOC to prevent further credits; remove the credit supplied by Birch to the end user from the

⁴¹ 47 C.F.R. § 54.405(e)(2); see also *Lifeline and Link Up Reform and Modernization*, 26 FCC Rcd 9022, ¶ 15 (2011).

billing system; and have a company policy in place that the credit may only be reapplied if the customer goes through certification process again. Birch will not seek reimbursement for any de-enrolled subscriber following the date of that subscriber's de-enrollment.

De-enrollment for non-usage. As part of its de-enrollment procedures, Birch will comply with the Commission's 60-day non-usage policy. Specifically, Birch will not consider a consumer to be enrolled, and Birch will not seek reimbursement for that consumer, until the consumer activates its service in the first instance.⁴² Further, Birch will de-enroll and not seek reimbursement for any consumer whose service is inactive for a consecutive 60-day period.⁴³ Birch will define "usage" consistent with Commission rules. Specifically, the following activities will constitute "usage" of Birch's prepaid wireless Lifeline service: (1) completion of an outbound call; (2) purchase of minutes to add to the subscriber's service plan; (3) answer of an incoming call from a party other than Birch or its representative; and (4) response to direct contact from Birch and confirmation that the consumer seeks to continue receiving the Lifeline service.⁴⁴ Birch will run usage reports for each customer to determine non-usage over a period of 60 consecutive days. Despite a consumer's "usage" as defined herein and in the Commission's rules, Birch will continue to comply with its existing public safety obligations to transmit all wireless 911 calls regardless of subscriber inactivity even if Birch is no longer providing Lifeline service to that consumer.⁴⁵

When a customer has been identified for de-enrollment for non-usage, a letter will be sent to the customer, and the customer will have 30 days to respond. Birch will allow 15 calendar

⁴² 47 C.F.R. § 54.404(b)(10).

⁴³ *Lifeline Reform Order* ¶ 257.

⁴⁴ 47 C.F.R. § 54.407(c)(2); *Lifeline Reform Order* ¶ 261.

⁴⁵ *Lifeline Reform Order* ¶ 262.

days for mail delivery and handling, and a 30-day notice period thereafter. Birch will run usage monitoring reports on the customers who have been noticed and de-enroll the customer if usage is not reflected on their account by the 30th day. On the 31st day, Birch will de-enroll the customer by placing a LSR with the supporting local exchange carrier to remove the Lifeline USOC to prevent further credits and remove the credit supplied by Birch to the end user from the billing system. The flow-chart set forth in Attachment B-5 provides more information on the process for de-enrollment for non-usage.

CONCLUSION

WHEREFORE, for the forgoing reasons, Birch respectfully requests that the Commission expeditiously approve its further amended Compliance Plan and designate it as an ETC for the provision of prepaid wireless Lifeline services in the states of Alabama, Florida, North Carolina, and Tennessee.

Respectfully submitted,

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Dated: June 29, 2012

Its Attorneys

Attachment A to Compliance Plan

Draft Enrollment and Certification Form



Lifeline Enrollment Form

Three Easy Steps to Complete:

Step #1 – Complete Lifeline Enrollment Form on page 2

(And if needed Household Worksheet on page 5)

Step #2 – Locate your Lifeline benefit documentation

(More info on your required documentation on pages 3 and 4)

Step #3 – Send complete enrollment form and benefit documentation to NOW Communications

(There are many convenient ways to send them, check Page 2)



Lifeline Enrollment Form

This signed application is required to enroll you in the Lifeline program in your state. This application is only for the purpose of verifying your participation in these programs and will not be used for any other purpose.

Things to know about the Lifeline Program:

- Lifeline is a Federal benefit that is not transferrable to any other person;
- Lifeline service is available for only one line per household. A household cannot receive benefits from multiple providers;
- A household is defined, for purposes of the Lifeline program, as any individual or group of individuals living at the same address that share income and expenses; and,
- Violation of the one-per household rule is not permitted under federal rules and will result in the subscriber's de-enrollment from the program and possible criminal prosecution by the U.S. Government.

First Name: _____ MI: _____ Last Name: _____ Date of Birth: _____

Last Four Digits of Social Security Number: _____ Contact Telephone Number: _____

Residential Address:

Must be a street address (not a P.O. Box) and your principal residence.

Billing Address:

May contain a P.O. Box.

☐ Check here if the billing address is the same as the residential address.

Address Line 1: _____

Address Line 1: _____

Address Line 2: _____

Address Line 2: _____

City, State and Zip: _____

City, State and Zip: _____

This Address Is: ☐ Permanent ☐ Temporary *(If temporary, your address must be certified or updated every 90 days.)*

☐ A shared, multi-household residence →
(Complete Household Worksheet)

(Initial)

If shared, multi-household residence, I hereby certify that other household adults do not contribute income and/or share expenses in my household. *Complete Household Worksheet.*

_____ I hereby certify that I qualify to participate in at least one of the following programs (check all that apply):

(Initial) *Please see the related documentation requirements on the reverse side.*

☐ Supplemental Nutrition Assistance Program (SNAP) formerly known as Food Stamps ☐ Supplemental Security Income (SSI)

☐ Federal Public Housing Assistance (FPHA) or Section 8 ☐ Low Income Home Energy Assistance Program (LIHEAP)

☐ National School Lunch Program's free lunch program ☐ Temporary Assistance for Needy Families (TANF) ☐ Medicaid

_____ I hereby certify that my household income is at or below 135% of the Federal Poverty Guidelines; there are _____ members in my household.

(initial) *Please see the Federal Poverty Guidelines and the related documentation requirements on the reverse side.*

I certify, under penalty of perjury: Initial by Each Certification

The information provided in this application is true and correct to the best of my knowledge; I acknowledge that willfully providing false or fraudulent information in order to receive Lifeline service is punishable by fine or imprisonment, termination of all Lifeline benefits, and being barred from participating in the Lifeline program.

_____ I acknowledge that non-usage over a consecutive 60-day period will result in my de-enrollment from this Lifeline service.

_____ I am eligible for Lifeline service through participation in the qualifying program(s) or meeting the income requirements as identified above.

_____ I have provided documentation of eligibility for Lifeline service, unless otherwise specifically exempted from providing such documentation.

I will inform NOW within 30 days of any potential change in eligibility, including, but not limited to: (i) a move or change of address; (ii) any change in participation in the programs identified above or change in income or household members; (iii) receiving Lifeline service from another provider; or (iv) any other change that would affect my eligibility for Lifeline service. If I fail to inform NOW of any of these changes, I understand under penalty of perjury, I may be subject to penalties.

_____ I have provided the address where I currently reside and, if a temporary address has been provided, then I acknowledge that NOW will attempt to verify my address every 90 days, and, if I do not respond to verification attempts within 30 days, then I may be de-enrolled from my Lifeline benefits.

_____ My household will receive only one Lifeline benefit and, to the best of my knowledge, no one in my household is currently receiving Lifeline service from any other provider.

_____ I acknowledge that I will be required to annually re-certify eligibility and may be required to re-certify continued eligibility for Lifeline at any time and failure to re-certify will result in the termination of Lifeline benefits or other penalties.

_____ I authorize NOW and its agents to access any records (including financial records) required to verify my statements herein and to confirm my eligibility for Lifeline service. I authorize government agencies and their authorized representatives to discuss with and/or provide information to NOW and its agents verifying my participation in public assistance programs that qualify me for Lifeline service.

_____ I acknowledge and consent to my name, telephone number, and address being divulged to the Universal Service Administrative Company (USAC) (the administrator of the program) and/or its agents for the purpose of verifying that I, as a subscriber, do not receive more than one Lifeline benefit. In the event that USAC identifies that I am receiving more than one Lifeline subsidy for my household, all carriers involved may be notified so that I may select one service and be de-enrolled from the other.

APPLICANT SIGNATURE/TPV ID: _____

DATE: _____

FOR NOW COMMUNICATIONS OFFICE USE ONLY

Company Representative Name: _____ ☐ Database Queried? Date: ____/____/____ Database Name: _____

☐ ETC Eligibility Review Confirmation Type: ☐ Written, attached ☐ Screenshot, attached ☐ ETC employee

Type of Documentation reviewed: _____ ☐ State Agency Queried? Date: ____/____/____ Agency Name: _____

Type of media: _____ How received: _____ Agency contact: _____ Confirmation Type: ☐ Notice, attached

Date/Expiration Date of Documentation: ____/____/____

Identity of Documentation: _____

Date reviewed: ____/____/____

☐ Applicant name different than name on documentation (Note: _____)

Name: _____

_____ Certification that individual is part of applicant's household

_____ Certification that individual does not already receive Lifeline

Representative Signature: _____ Date: _____

NOTES : _____

HOW TO SUBMIT YOUR ENROLLMENT APPLICATION:

COMPLETE ENROLLMENT APPLICATION ONLINE: www.nowcommunications.com FAX: (877) 465-0545 EMAIL: nowcommunications@birch.com
POSTAL MAIL : NOW Communications, 2300 Main St., Suite 340, Kansas City, MO 64108.

HOW TO SUBMIT YOUR DOCUMENTATION:

TEXT A DOCUMENT: (816) 446-3388 FAX: (877) 465-0545 EMAIL: nowcommunications@birch.com POSTAL MAIL: NOW Communications, 2300 Main St., Suite 340, Kansas City, MO 64108.

DOCUMENTATION REQUIREMENTS

**You are required to provide proof of your participation in the programs you identified
OR proof of your qualifying income.**

PROGRAM ELIGIBILITY

If, on page 1 of this form, you indicated you were in a qualifying program. You must provide documentation to prove receipt of benefits under these programs to NOW Communications. Upon examination by NOW Communications, any copies, photos or faxes of your documentation will be destroyed or returned to you at your request. Acceptable forms of documentation are described below:

Public Housing Assistance (FPHA) or Section 8

There are two types of documentation that can prove receipt of benefits under the Public Housing Assistance (FPHA), or Section 8, Program. **First**, an applicant can provide an award letter. A recipient of Public Housing Assistance (FPHA), or Section 8, receives an award letter from his or her local Public Housing Agency (PHA). The award letter should include the following information: name of program, date of award, name of beneficiary and award amount.

Second, an applicant can provide either a [Public Housing Assistance Lease Agreement](#)  or a Section 8 Voucher. These items should clearly reflect the type of Public Housing Assistance credit issued.

If the beneficiary does not have an award letter, lease agreement, or voucher, the applicant can contact the agency that approved the application and request formal documentation of his or her award. To find contact information for a local Public Housing Agency, please visit the U.S. Department of Housing and Urban Development's [state contact and agency listing](#).

The beneficiary named on the FPHA documentation may be a member of the Lifeline applicant's household, rather than the applicant. If the name of the beneficiary on the documentation provided does not match the name of the Lifeline applicant, NOW Communications must record the name of the beneficiary and confirm by receiving certification from the applicant that the named beneficiary is a member of his or her household, and that this individual does not receive Lifeline.

Low Income Home Energy Assistance Program (LIHEAP)

Because the Low Income Home Energy Assistance Program (LIHEAP) is administered by a wide range of local agencies, the program's name may vary by state (note that most include the words "energy assistance program" in the name).

There are two types of documentation applicants can provide to demonstrate receipt of LIHEAP benefits.

First, a LIHEAP participant might have an award letter from a state agency. The award letter will include the following: name of program, date of award, name of beneficiary and award amount. In some instances, if the beneficiary received notification of his or her approval in-person, the awardee might not have a formal award letter and will need to contact the state agency that approved the application to request a formal award letter.

Second, a LIHEAP participant can provide a utility bill that reflects the Housing Assistance credit. The utility bill should clearly reflect inclusion of an Energy Assistance credit.

The beneficiary named on the LIHEAP documentation may be a member of the Lifeline applicant's household, rather than the applicant. If the name of the beneficiary on the documentation provided does not match the name of the Lifeline applicant, the ETC must record the name of the beneficiary and confirm by receiving certification from the applicant that the named beneficiary is a member of his or her household, and that this individual does not receive Lifeline.

To find contact information for a local LIHEAP agency, please visit the Low Income Home Energy Assistance Program's [state contact and agency listing](#).

National School Lunch Program's Free Lunch Program (NSLP)

Although the National School Lunch Program's Free Lunch Program (NSLP) is a federally assisted program, award letters are provided by state agencies and, thus, will vary by locality. All award letters should contain the following basic information: name of program, name of beneficiary, address of beneficiary and date of award.

The beneficiary named on the NSLP documentation may be a dependent of the Lifeline applicant, rather than the applicant. If the name of the beneficiary on the documentation provided does not match the name of the Lifeline applicant, the ETC must record the name of the beneficiary and confirm by receiving certification from the applicant that the named beneficiary is a member of his or her household, and that this individual does not receive Lifeline.

Supplemental Security Income (SSI)

Participation in the federal portion of SSI is an eligibility criterion for Lifeline. Some states offer state supplements to the federal SSI program, but receipt of benefits from the state supplement, but not federal SSI, does not qualify an individual for Lifeline. All award letters should contain the following basic information: name of program, name of beneficiary, address of beneficiary, date of award and award amount. A benefit check stub from the Social Security Administration may also be submitted as proof of participation, if the check stub clearly states the date and name of the beneficiary.

The beneficiary named on the SSI documentation may be a dependent of the Lifeline applicant, rather than the applicant. If the name of the beneficiary on the documentation provided does not match the name of the Lifeline applicant, the ETC must record the name of the beneficiary and confirm by receiving certification from the applicant that the named beneficiary is a member of his or her household, and that this individual does not receive Lifeline.

Temporary Assistance for Needy Families (TANF)

All award letters should contain the following basic information: name of program, name of beneficiary, address of beneficiary and date of award.

The beneficiary named on the TANF documentation may be a member of the Lifeline applicant's household, rather than the applicant. If the name of the beneficiary on the documentation provided does not match the name of the Lifeline applicant, the ETC must record the name of the beneficiary and confirm by receiving certification from the applicant that the named beneficiary is a member of his or her household, and that this individual does not receive Lifeline.

In some states, TANF might be more commonly referred to by a different name. Look for your state on this list of [TANF program names by state](#) .

Supplemental Nutrition Assistance Program (SNAP)

The Supplemental Nutrition Assistance Program (SNAP) was previously known as Food Stamps. Beneficiary cards and award letters may vary because SNAP is administered on a state level. Because not all beneficiary cards include the recipient's name, it is recommended that an award letter from the local state agency be used for Lifeline verification purposes. All award letters should contain the following basic information: name of program, name of beneficiary, address of beneficiary and date of award.

The beneficiary named on the SNAP documentation may be a member of the Lifeline applicant's household, rather than the applicant. If the name of the beneficiary on the documentation provided does not match the name of the Lifeline applicant, the ETC must record the name of the beneficiary and confirm by receiving certification from the applicant that the named beneficiary is a member of his or her household, and that this individual does not receive Lifeline.

In some states, SNAP might be more commonly referred to by a different name. Look for your state on this list of [SNAP program names by state](#) .

Medicaid

Each state provides its own unique Medicaid card to beneficiaries. However, most cards should clearly state the following: name of program, name of beneficiary, state of residence, issued or effective date and the name of the state agency that provided the card.

The beneficiary named on the Medicaid documentation may be a dependent of the Lifeline applicant, rather than the applicant. If the name of the beneficiary on the documentation provided does not match the name of the Lifeline applicant, the ETC must record the name of the beneficiary and confirm by receiving certification from the applicant that the named beneficiary is a member of his or her household, and that this individual does not receive Lifeline.

Some states have different names for their Medicaid programs. Look for your state on this list of [Medicaid program names by state](#) .

PROGRAM ELIGIBILITY

An applicant may be eligible for Lifeline if he or she has a household income at or below 135% of the Federal Poverty Guidelines. Below are the acceptable types of documentation:

- The prior year's state, federal, or Tribal tax return
- A current income statement from an employer or paycheck stub
- A Social Security statement of benefits
- A Veterans Administration statement of benefits
- A retirement or pension statement of benefits
- An Unemployment or Workers' Compensation statement of benefits
- A federal or Tribal notice letter of participation in General Assistance
- A divorce decree, child support award, or other official document containing income information
- If the documentation relied on does not cover a full year, such as a

135% FEDERAL POVERTY GUIDELINES - 2012	
Members of Household	Household Income must be at or below
1	\$ 15,080
2	\$ 20,426
3	\$ 25,772
4	\$ 31,118
5	\$ 36,464
6	\$ 41,810
7	\$ 47,156
8	\$52,502
For every additional member of your household, add \$4,950.	



Optional Lifeline Household Worksheet

Complete only if you checked "A shared, multi-household residence" on your enrollment form

Name	
Address	
Telephone Number	

Lifeline is a government program that provides a monthly discount on home or mobile telephone services. Only ONE Lifeline discount is allowed per household. Members of a household are not permitted to receive Lifeline service from multiple telephone companies.

Your **household** is everyone who lives together at your address as one economic unit (including children and people who are not related to you).

The **adults** you live with are part of your **economic unit** if they contribute to and share in the income and expenses of the household. An **adult** is any person 18 years of age or older, or an emancipated minor (a person under age 18 who is legally considered to be an adult). Household **expenses** include food, health care expenses (such as medical bills) and the cost of renting or paying a mortgage on your place of residence (a house or apartment, for example) and utilities (including water, heat and electricity). **Income** includes salary, public assistance benefits, social security payments, pensions, unemployment compensation, veteran's benefits, inheritances, alimony, child support payments, worker's compensation benefits, gifts, and lottery winnings.

Spouses and domestic partners are considered to be part of the same household. Children under the age of 18 living with their parents or guardians are considered to be part of the same household as their parents or guardians. If an adult has no income, or minimal income, and lives with someone who provides financial support to that adult, both people are considered part of the same household.

You have been asked to complete this Worksheet because someone else currently receives a Lifeline-supported service at your address. This other person may or may not be a part of your household. Answer the questions below to determine whether there is more than one household residing at your address.

1. Does your spouse or domestic partner (that is, someone you are married to or in a relationship with) already receive a Lifeline-discounted phone? (check no if you do not have a spouse or partner) ____YES ____NO
 - If you checked **YES**, you may not sign up for Lifeline because someone in your household already receives Lifeline. Only ONE Lifeline discount is allowed per household.
 - If you checked **NO**, please answer question #2.
2. Other than a spouse or partner, do other adults (people over the age of 18 or emancipated minors) live with you at your address?
 - A. A parent ____YES ____NO
 - B. An adult son or daughter ____YES ____NO
 - C. Another adult relative (such as a sibling, aunt, cousin, grandparent, grandchild, etc.) ____YES ____NO
 - D. An adult roommate ____YES ____NO
 - E. Other ____YES ____NO
 - If you checked **NO** for each statement above, you do not need to answer the remaining questions. Please initial line B, below, and sign and date the worksheet.
 - If you checked **YES**, please answer question #3.
3. Do you share living expenses (bills, food, etc.) and share income (either your income, the other person's income or both incomes together) with at least one of the adults listed above in question #2? ____YES ____NO
 - If you checked **NO**, then your address includes **more than one household**. Please initial lines A and B below, and sign and date the worksheet.
 - If you checked **YES**, then your address includes only **one household**. You may not sign up for Lifeline because someone in your household already receives Lifeline.

CERTIFICATION

Please initial the certifications below and sign and date this worksheet. Submit this worksheet to NOW Communications along with your Lifeline application.

- A. ____ I certify that I live at an address occupied by multiple households.
- B. ____ I understand that violation of the one-per-household requirement is against the Federal Communication Commission's rules and may result in me losing my Lifeline benefits, and potentially, prosecution by the United States government.

Signature _____ Date _____

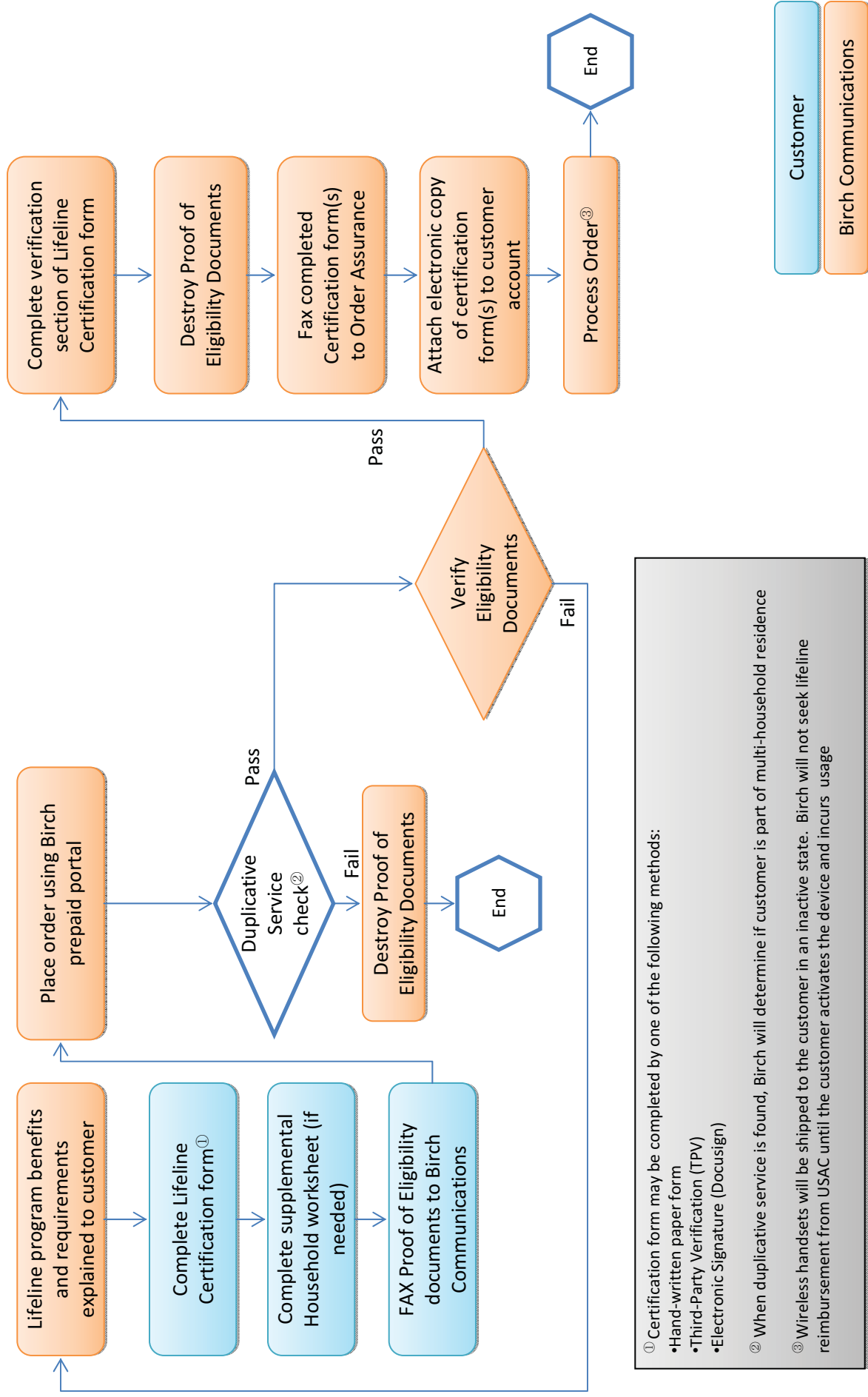
Attachment B

to

Compliance Plan

Flow-Charts Depicting Birch Internal
Processes for Lifeline Compliance

Lifeline Certification process – Internal Sales Agents



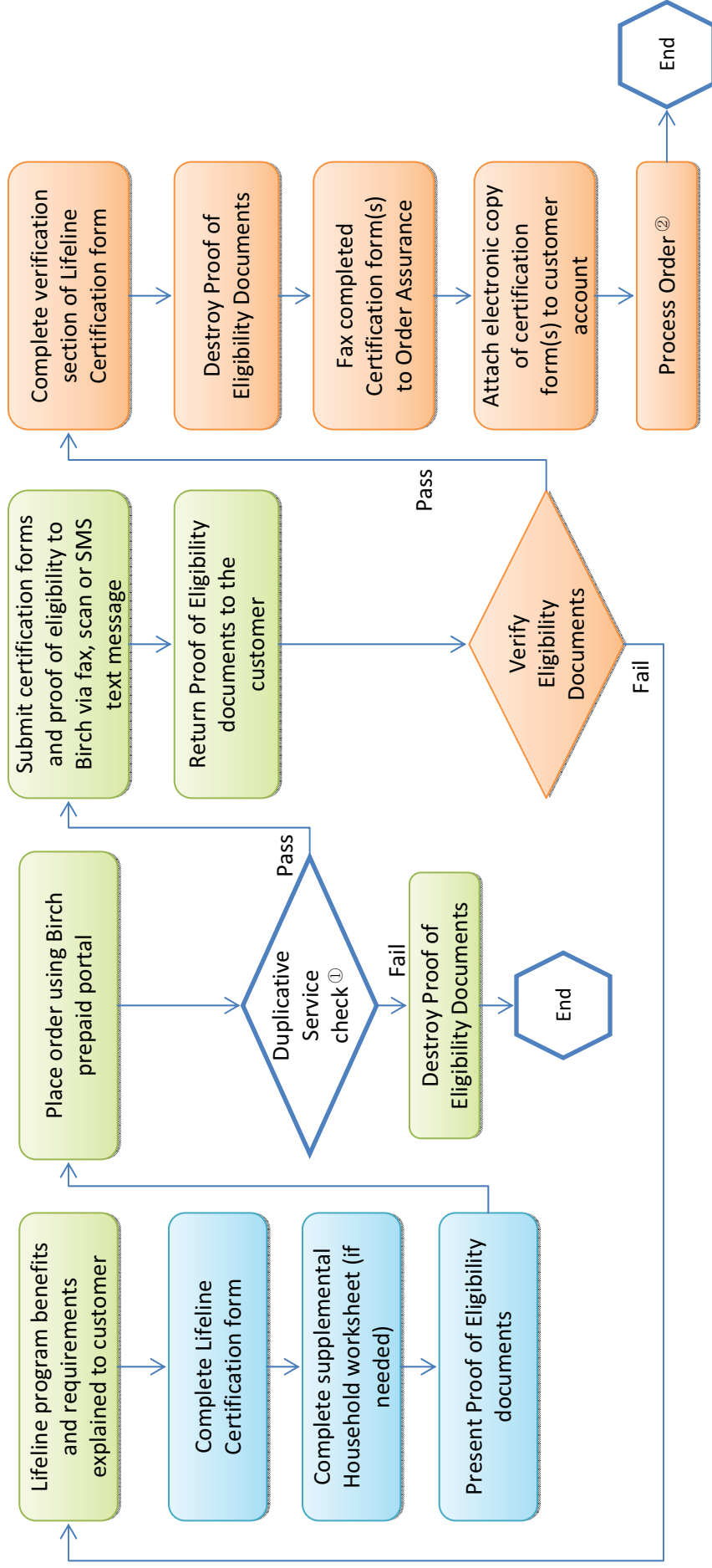
① Certification form may be completed by one of the following methods:

- Hand-written paper form
- Third-Party Verification (TPV)
- Electronic Signature (DocuSign)

② When duplicative service is found, Birch will determine if customer is part of multi-household residence

③ Wireless handsets will be shipped to the customer in an inactive state. Birch will not seek lifeline reimbursement from USAC until the customer activates the device and incurs usage

Lifeline Certification process – Authorized Dealers



① When duplicative service is found, Birch will determine if customer is part of multi-household residence

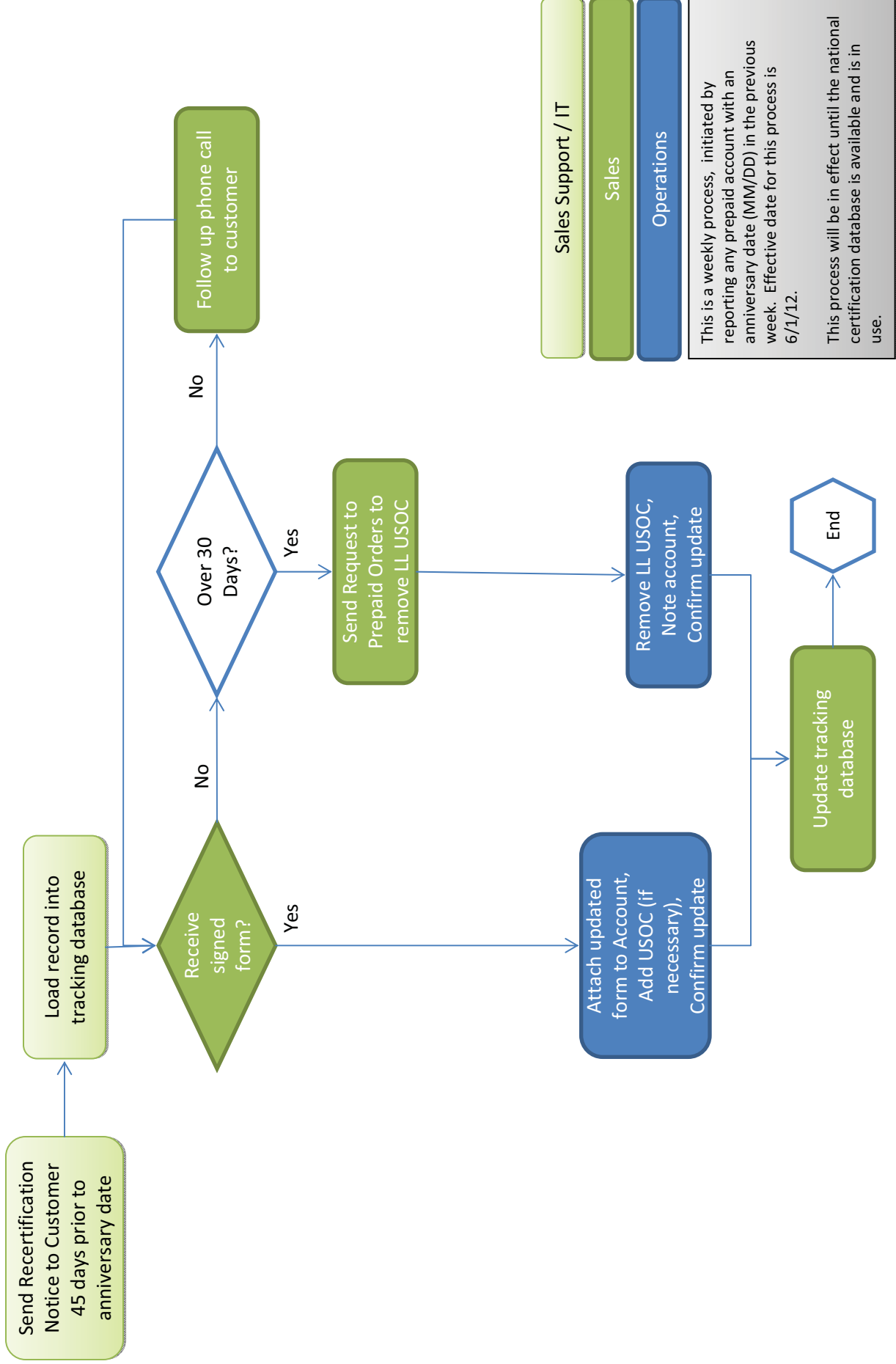
② Wireless handsets will be shipped to the customer in an inactive state. Birch will not seek lifeline reimbursement from USAC until the customer activates the device and incurs usage

Birch Authorized Dealer

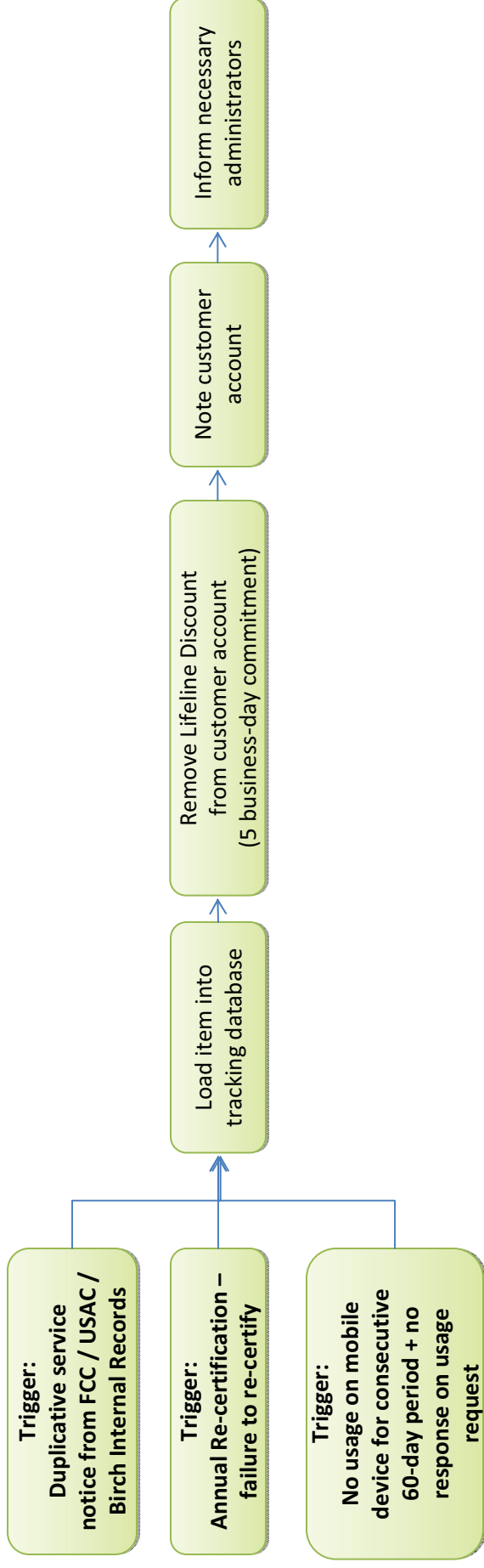
Customer

Birch Communications

Annual Lifetime Re-Certification

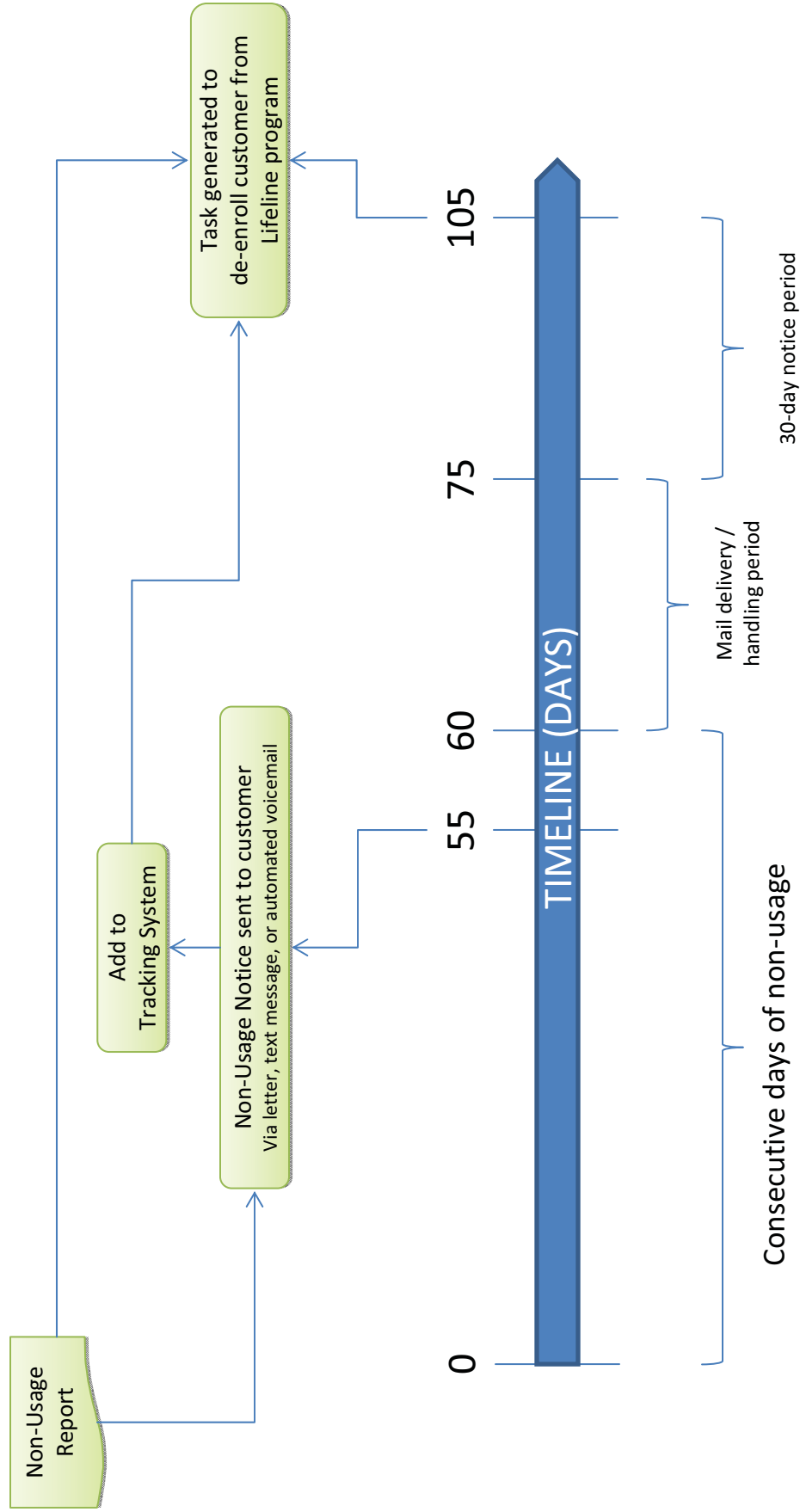


Lifeline De-enrollment Scenarios



- De-enrollment in Lifeline program will remove the customer from any USAC filings for reimbursement of the lifeline discount amount.
- All wireless handsets, regardless of activation status, will retain the capability of dialing and reaching emergency-911

Non-Usage notification



**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

IN RE:)	
)	
APPLICATION OF TEMPO TELECOM,	)	Application for Designation as an
LLC FOR DESIGNATION AS AN	)	Eligible Telecommunications
ELIGIBLE TELECOMMUNICATIONS	)	Carrier
CARRIER IN THE STATE OF SOUTH)	
CAROLINA)	
)	

EXHIBIT 7

OFFICERS

TEMPO OFFICERS

Dr. R. Kirby Godsey Chairman of the Board

Dr. Godsey is Chairman of the Board of Birch Communications and an owner of Tempo. Prior to becoming Chairman of the Board at Birch in 2007, Dr. R. Kirby Godsey served as the 17th president of Mercer University from 1979-2006. Prior to his appointment as President, he served as Executive Vice President and as Dean of the College of Liberal Arts. Prior to coming to Mercer in 1977, Dr. Godsey was Vice President and Dean of the College at Averett College in Danville, Virginia. Dr. Godsey earned his undergraduate degree in history and religion from Samford University in Birmingham, Alabama. He holds Master of Divinity and Doctor of Theology degrees from New Orleans Baptist Theological Seminary, and a Master of Arts in Philosophy from the University of Alabama. In 1969, he earned a Ph.D. in Philosophy from Tulane University. The University of South Carolina, Averett College and Samford University have all awarded him honorary degrees.

Vincent Oddo President & CEO

Vincent M. Oddo serves as President and Chief Executive Officer of Birch Communications and Tempo. In this capacity, he is responsible for the overall strategic direction of the company as well as playing a critical role in the many acquisitions that have been completed to date. Mr. Oddo is a 25+ year veteran of the telecom industry and has specialized in growing, restructuring and managing wire-line, wireless and broadband telecommunications businesses. Prior to joining Birch in 2003, he served as SVP and COO of Network Telephone; SVP and CIO of NuVox Communications; SVP of BellSouth; and SVP of Graphic Scanning Corp. Mr. Oddo holds both a Bachelor of Arts degree and Masters degree in Public Administration from Long Island University.

Chris Aversano Chief Operating Officer and Executive Vice President

Chris Aversano serves as Chief Operating Officer and Executive Vice President of Birch Communications and Tempo. In this capacity, he is responsible for managing the overall Operations and Engineering efforts of the company. Mr. Aversano is a 20+ year veteran of the telecommunications and engineering industries and has specialized in wire-line, wireless, and satellite communications. Prior to joining Birch in 2004, he served as VP of Service Delivery and Engineering Operations at Network Telephone Corp; VP of Provisioning at Nuvox; Director of Process Design at Covad Communications; and Program Manager for the United States Air Force responsible for Global Positioning System (GPS) Satellites. Mr. Aversano holds a Bachelor of Science degree in Electrical Engineering from Clemson University, as well as an Associates Degree in Telecommunications from the United States Air Force.

Edward James**Chief Financial Officer and Senior Vice President**

Edward James serves as Chief Financial Officer and Senior Vice President of Birch Communications and Tempo. In this capacity, he is responsible for maintaining and reporting the financial health of the company and overseeing the corporate assets of the company. Mr. James is a nearly 20 year veteran of the telecommunications and finance industries. Prior to joining Birch in 2008, he served as CFO of American Telecom Services, Inc.; Director of Finance of Carter's Inc.; various accounting, operations and finance positions at United Parcel Service (UPS). Mr. James holds a Bachelor of Arts degree from Mississippi College, and a Masters in Business Administration degree from Cumberland University.

Christopher Ramsey**Senior Vice President - Chief Sales & Marketing Officer**

Chris Ramsey serves as Senior Vice President - Chief Sales and Marketing Officer for Birch Communications and Tempo. In this capacity, he is responsible for managing the overall sales and marketing efforts of the company. Mr. Ramsey is a 9-year veteran of Birch Communications who was responsible for starting and managing the telesales, account management and inside sales channels. Prior to joining Birch in 2001, he served in various leadership positions, of increasing responsibility, in Worldwide Account Management for Black and Veatch and GE Capital Assurance, Inc. Mr. Ramsey holds a Bachelor of Arts degree from Southwest Baptist University.

Chris Bunce**Senior Vice President, Legal, and General Counsel**

Mr. Bunce serves as Senior Vice President, Legal & Regulatory, and General Counsel. In this capacity, he is responsible for managing the legal operations, and legal and regulatory compliance functions of both Birch and Tempo. Mr. Bunce is a nearly 20-year veteran in communications and telecom law. Prior to joining Birch in 2000, he served as legal counsel for GST Telecom, CallAmerica, Whole Earth Networks, Hawaii Online and other telecommunications and Internet firms. Mr. Bunce holds a Bachelor's degree in both History and Journalism/Mass Communication from Iowa State University, and a Juris Doctor degree from the University of Iowa College of Law.

Tom Stachowiak**Vice President, Information Technology**

Mr. Stachowiak serves as Vice President of Information Technology for Birch Communications and Tempo. In this capacity, he is responsible for developing, implementing and managing the information technology needs of the company. Prior to his current position he served as Vice President, Engineering. Mr. Stachowiak is a 13+ year veteran of the telecommunications and information technology industries. Prior to joining Birch in 2005, he spent several years at Verso Technologies building and operating VoIP softswitches and application servers. He also worked for 4 years at Syracuse University conducting research on applying IP technologies to military command and control systems and distance learning. Mr. Stachowiak holds both a Masters of Science degree in Computer Science and a Masters in Business Administration degree from Syracuse University.

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

IN RE:)	
)	
APPLICATION OF TEMPO TELECOM,	)	Application for Designation as an
LLC FOR DESIGNATION AS AN	)	Eligible Telecommunications
ELIGIBLE TELECOMMUNICATIONS	)	Carrier
CARRIER IN THE STATE OF SOUTH)	
CAROLINA)	
)	

EXHIBIT 8

**TEMPO TELECOM’S PROPOSED ETC SERVICE
AREA IN SOUTH CAROLINA BY
WIRE CENTERS**

Tempo's designated service area in South Carolina is Sprint's wireless coverage area or Sprint's licensed service area, which comprises a portion of or the entirety of the following exchanges:

CLLI	RC ABBRE	CITY	STATE	OCN_NAME
ABVLSXCA	ABBEVILLE	ABBEVILLE	SC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - SC
AIKNSCMA	AIKEN	AIKEN	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
ANDRSCXA	ANDREWS	ANDREWS	SC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - SC
ARSNSCAH	ANDERSON	ANDERSON	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
ARSNSCMA	ANDERSON	ANDERSON	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
ARSNSCTV	ANDERSON	TOWNVILLE	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
AWDWSCXA	AWENDAW	AWENDAW	SC	MCCLELLANVILLE TELEPHONE CO., INC.
AYNRSCXA	AYNOR	AYNOR	SC	HORRY TELEPHONE COOPERATIVE, INC.
BATHSCMA	BATH	BATH	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
BAVLSCMA	BLACKVILLE	BLACKVILLE	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
BETNSCMA	BELTON	BELTON	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
BFTNSCAQ	BLUFFTON	BLUFFTON	SC	BLUFFTON TELEPHONE CO., INC.
BFTNSCXA	BLUFFTON	BLUFFTON	SC	BLUFFTON TELEPHONE CO., INC.
BHISSCMA	BEECH IS	BEECH ISLAND	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
BHVLSCXA	BRANCHVL	BRANCHVILLE	SC	UNITED TELEPHONE CO CAROLINAS DBA CENTURYLINK
BLBGSCMA	BLACKSBURG	BLACKSBURG	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
BLNHSCMA	BLENHEIM	BLENHEIM	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
BLRGSCMA	BLUE RIDGE	GREER	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
BONNSCXA	BONNEAU	BONNEAU	SC	ST STEPHEN TELEPHONE CO.
BRWLSCBE	BARNWELL	BARNWELL	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
BSVLSCAV	BISHORURAL	BISHOPVILLE	SC	FARMERS TELEPHONE COOPERATIVE, INC.
BSVLSCXA	BISHOPVL	BISHOPVILLE	SC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - SC
BTBGSCMA	BATESBURG	BATESBURG	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
BUFTSCXA	BEAUFORT	BEAUFORT	SC	UNITED TELEPHONE CO CAROLINAS DBA CENTURYLINK
BWMNSCXA	BOWMAN	BOWMAN	SC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - SC
CENTSCWS	CENTRAL	CENTRAL	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
CHAPSCCL	CHPNLTMTN	CHAPIN	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
CHESSCXA	CHESTER	CHESTER	SC	CHESTER TELEPHONE CO.
CHFDSCXA	CHESTERFLD	CHESTERFIELD	SC	SANDHILL TELEPHONE COOPERATIVE, INC.
CHPLSCXA	CHAPPELLS	CHAPPELLS	SC	UNITED TELEPHONE CO CAROLINAS DBA CENTURYLINK
CHRWSCES	CHERAW	CHERAW	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
CHSNSCXA	CHESNEE	CHESNEE	SC	CHESNEE TELEPHONE CO.
CHTNSCDP	CHARLESTON	NORTH CHARLESTON	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
CHTNSCDT	CHARLESTON	CHARLESTON	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
CHTNSCJM	CHARLESTON	CHARLESTON	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
CHTNSCJN	CHARLESTON	CHARLESTON	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
CHTNSCLB	CHARLESTON	NORTH CHARLESTON	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
CHTNSCNO	CHARLESTON	NORTH CHARLESTON	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
CHTNSCWA	CHARLESTON	CHARLESTON	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
CLCKSCXA	COLLINSCK	BURGESS	SC	HORRY TELEPHONE COOPERATIVE, INC.
CLIOSCMA	CLIO	CLIO	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
CLMASCAR	COLUMBIA	COLUMBIA	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
CLMASCBQ	COLUMBIA	COLUMBIA	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
CLMASCCH	COLUMBIA	COLUMBIA	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
CLMASCDF	COLUMBIA	IRMO	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
CLMASCPA	COLUMBIA	COLUMBIA	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
CLMASCSA	COLUMBIA	COLUMBIA	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
CLMASCSG	COLUMBIA	COLUMBIA	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
CLMASCSH	COLUMBIA	COLUMBIA	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
CLMASCSN	COLUMBIA	COLUMBIA	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
CLMASCSU	COLUMBIA	FOREST ACRES	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
CLMASCSW	COLUMBIA	CAYCE	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
CLNSCMA	CLEMSON	CLEMSON	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
CLTNSCMA	CLINTON	CLINTON	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
CLVRSCES	SCRWDRSCRK	CLOVER	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
CMDNSCLG	CAMDEN	LUGOFF	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
CMDNSCMA	CAMDEN	CAMDEN	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
CMPBSCXA	CAMPOBELLO	CAMPOBELLO	SC	WINDSTREAM SOUTH CAROLINA, INC.
CMRNSCXA	CAMERON	CAMERON	SC	WINDSTREAM SOUTH CAROLINA, INC.
CNWYSCXA	CONWAY	CONWAY	SC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - SC
CNWYSCXB	SO CONWAY	CONWAY	SC	HORRY TELEPHONE COOPERATIVE, INC.
CNWYSCXC	EASTCONWAY	CONWAY	SC	HORRY TELEPHONE COOPERATIVE, INC.
CNWYSCXM	NO CONWAY	CONWAY	SC	HORRY TELEPHONE COOPERATIVE, INC.
CRHLSCXA	CROSS HILL	CROSS HILL	SC	UNITED TELEPHONE CO CAROLINAS DBA CENTURYLINK
CRSSSCXA	CROSS	CROSS	SC	HOME TELEPHONE ILEC, LLC
CTVLSCXA	COTTAGEVL	COTTAGEVILLE	SC	PALMETTO RURAL TELEPHONE COOPERATIVE, INC.
CWPNSCMA	COWPENS	COWPENS	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
DLLNSCMA	DILLON	DILLON	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
DRTNSCMA	DARLINGTON	DARLINGTON	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
EDBHSCMA	EDISTO IS	EDISTO BEACH	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL

Tempo's designated service area in South Carolina is Sprint's wireless coverage area or Sprint's licensed service area, which comprises a portion of or the entirety of the following exchanges:

CLLI	RC ABBRE	CITY	STATE	OCN_NAME
EDFSCMA	EDGEFIELD	EDGEFIELD	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
ELLRSCXA	ELLOREE	ELLOREE	SC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - SC
ENORSCXA	ENOREE	ENOREE	SC	PIEDMONT RURAL TELEPHONE COOPERATIVE, INC.
EOVRSCMA	EASTOVER	EASTOVER	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
ESLYSCMA	EASLEY	EASLEY	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
ETVLSXA	EUTAWVILLE	EUTAWVILLE	SC	UNITED TELEPHONE CO CAROLINAS DBA CENTURYLINK
FLBHSCMA	FOLLYBEACH	FOLLY BEACH	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
FLRNSCMA	FLORENCE	FLORENCE	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
FLYDSCXA	FLOYDS	CONWAY	SC	HORRY TELEPHONE COOPERATIVE, INC.
FNINSCES	FOUNTAININN	FOUNTAIN INN	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
FNVLSMA	SPARTANBG	INMAN	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
FTLWSCXA	FORT LAWN	FORT LAWN	SC	LANCASTER TELEPHONE COMPANY
FTMLSCXB	FORT MILL	FORT MILL	SC	FORT MILL TELEPHONE CO.
GFNYSCMA	GAFFNEY	GAFFNEY	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
GIVLSCMA	GRANITEVL	GRANITEVILLE	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
GLBRSCXA	GILBERT	GILBERT	SC	PBT TELECOM, INC.
GNVLSBE	GREENVILLE	GREENVILLE	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
GNVLSCH	GREENVILLE	WADE HAMPTON	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
GNVLSCCR	GREENVILLE	GREENVILLE	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
GNVLSCDT	GREENVILLE	GREENVILLE	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
GNVLSWE	GREENVILLE	GREENVILLE	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
GNVLSWP	GREENVILLE	PELZER	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
GNVLSCWR	GREENVILLE	GREENVILLE	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
GNWDSCXB	GREENWOOD	GREENWOOD	SC	UNITED TELEPHONE CO CAROLINAS DBA CENTURYLINK
GNWDSCXC	GREENWOOD	GREENWOOD	SC	UNITED TELEPHONE CO CAROLINAS DBA CENTURYLINK
GRCRSCXA	GRAY COURT	GRAY COURT	SC	PIEDMONT RURAL TELEPHONE COOPERATIVE, INC.
GRERSMA	GREER	GREER	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
GRFLSCXA	GREATFALLS	GREAT FALLS	SC	CHESTER TELEPHONE CO.
GRTWSCXA	GEORGETOWN	GEORGETOWN	SC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - SC
GRVRNCMA	GROVER	GROVER	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
HCGVSCMA	HICKORYGRV	HICKORY GROVE	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
HCTVSCXA	HICKOYTVRN	HICKORY TAVERN	SC	PIEDMONT RURAL TELEPHONE COOPERATIVE, INC.
HDGSCXA	HODGES	HODGES	SC	UNITED TELEPHONE CO CAROLINAS DBA CENTURYLINK
HLHDSCXA	HILTONHEAD	HILTON HEAD ISLAND	SC	HARGRAY TELEPHONE CO., INC.
HLHDSCXB	HILTONHEAD	HILTON HEAD ISLAND	SC	HARGRAY TELEPHONE CO., INC.
HLHDSCXC	HILTONHEAD	HILTON HEAD ISLAND	SC	HARGRAY TELEPHONE CO., INC.
HLHLSCXA	HOLLY HILL	HOLLY HILL	SC	UNITED TELEPHONE CO CAROLINAS DBA CENTURYLINK
HLVLSXA	HARLEVYL	HARLEYVILLE	SC	HOME TELEPHONE ILEC, LLC
HLWDSCXA	HOLLYWOOD	HOLLYWOOD	SC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - SC
HMNGSCXA	HEMINGWAY	HEMINGWAY	SC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - SC
HMPNSCXA	HAMPTON	HAMPTON	SC	UNITED TELEPHONE CO CAROLINAS DBA CENTURYLINK
HNPSCMA	HONEA PATH	HONEA PATH	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
HNVLSXA	HENDERSNVL	HENDERSONVILLE	SC	PALMETTO RURAL TELEPHONE COOPERATIVE, INC.
HRVLSCXA	HARDEEVL	HARDEEVILLE	SC	HARGRAY TELEPHONE CO., INC.
HTVLSMA	HARTSVILLE	HARTSVILLE	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
HUGRSCXA	HUGER	HUGER	SC	HOME TELEPHONE ILEC, LLC
INMNSCXA	INMAN	INMAN	SC	WINDSTREAM SOUTH CAROLINA, INC.
ISPLSCIS	ISLE PALMS	ISLE OF PALMS	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
JCSNSCXA	JACKSON	JACKSON	SC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - SC
JHTNSCMA	JOHNSTON	JOHNSTON	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
JMTWSCXA	JAMESTOWN	JAMESTOWN	SC	HOME TELEPHONE ILEC, LLC
JNVLSMA	JONESVILLE	JONESVILLE	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
JONNSCES	JOANNA	JOANNA	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
KRSHSCXB	KERSHAW	KERSHAW	SC	WINDSTREAM SOUTH CAROLINA, INC.
LAMRSCXA	LAMAR	LAMAR	SC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - SC
LATTSCLS	LATTA	LATTA	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
LBNNSCXA	LEBANON	LEBANON	SC	HOME TELEPHONE ILEC, LLC
LBRTSCMA	LIBERTY	LIBERTY	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
LKWDSCXA	LAKEWOOD	LAKEWOOD	SC	HORRY TELEPHONE COOPERATIVE, INC.
LKWLSRCS	LAKE WYLIE	CLOVER	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
LNCSSCXA	HEATH SPG	LANCASTER	SC	LANCASTER TELEPHONE COMPANY
LNDRSCXA	LANDRUM	LANDRUM	SC	WINDSTREAM SOUTH CAROLINA, INC.
LODGSCXA	LODGE	LODGE	SC	PALMETTO RURAL TELEPHONE COOPERATIVE, INC.
LORISCXA	LORIS	CONWAY	SC	HORRY TELEPHONE COOPERATIVE, INC.
LRBYSCXA	LAUREL BAY	LAUREL BAY	SC	UNITED TELEPHONE CO CAROLINAS DBA CENTURYLINK
LRNSSCXB	LAURESRL	LAURENS	SC	PIEDMONT RURAL TELEPHONE COOPERATIVE, INC.
LRNSSCXC	LAURENS	LAURENS	SC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - SC
LWCNSCAA	LOWCOUNTRY	LOW COUNTRY	SC	UNITED TELEPHONE CO CAROLINAS DBA CENTURYLINK
LWVLSXA	LEWISVILLE	LEWISVILLE	SC	CHESTER TELEPHONE CO.
LXTNSCXC	LEXINGTON	LEXINGTON	SC	WINDSTREAM SOUTH CAROLINA, INC.

Tempo's designated service area in South Carolina is Sprint's wireless coverage area or Sprint's licensed service area, which comprises a portion of or the entirety of the following exchanges:

CLLI	RC ABBRE	CITY	STATE	OCN_NAME
LYBGSCXA	LYNCHBURG	LYNCHBURG	SC	FARMERS TELEPHONE COOPERATIVE, INC.
LYMNSCES	LYMAN	LYMAN	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
LYMNSCIP	LYMAN	DUNCAN	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MARNSCBN	MARION	MARION	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MARNSCMA	MARION	MARION	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MCBESCXA	MCBEE	MCBEE	SC	SANDHILL TELEPHONE COOPERATIVE, INC.
MCCRSCXB	MCCORMICK	MCCORMICK	SC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - SC
MCDNSCXA	MACEDONIA	MACEDONIA	SC	HOME TELEPHONE ILEC, LLC
MLNSSCWP	MULLINS	MULLINS	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MLVLSCXA	MCLELLANVL	MCCLELLANVILLE	SC	MCCLELLANVILLE TELEPHONE CO., INC.
MNCRSCXB	MONCKS COR	MONCKS CORNER	SC	HOME TELEPHONE ILEC, LLC
MNNGSCXA	MANNING	MANNING	SC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - SC
MNPLSCES	MTPLEASANT	MT PLEASANT	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MRINSCXA	MURELSINLT	MURRELLS INLET	SC	HORRY TELEPHONE COOPERATIVE, INC.
MRTTSCMA	TRAVESREST	MARIETTA	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MTVLSCXA	MOUNTVILLE	MOUNTVILLE	SC	UNITED TELEPHONE CO CAROLINAS DBA CENTURYLINK
MYBHSCXB	MYRTLE BCH	MYRTLE BEACH	SC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - SC
MYBHSCXC	MYRTLE BCH	MYRTLE BEACH	SC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - SC
MYBHSCXM	MYRTLE BCH	MYRTLE BEACH	SC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - SC
MYVLSCXA	MAYESVILLE	MAYESVILLE	SC	FARMERS TELEPHONE COOPERATIVE, INC.
NAGSSCMA	BEECH IS	NORTH AUGUSTA	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
NMNGSCXA	NO MANNING	NORTH MANNING	SC	FARMERS TELEPHONE COOPERATIVE, INC.
NRTHSCXB	NORTH	NORTH	SC	WILLISTON TELEPHONE CO.
NRWYSCXA	NORWAY	NORWAY	SC	NORWAY TELEPHONE CO., INC.
NSMTSCXB	NO SUMTER	NORTH SUMTER	SC	FARMERS TELEPHONE COOPERATIVE, INC.
NSTNSCXA	NOSUMMERTN	NORTH SUMMERTON	SC	FARMERS TELEPHONE COOPERATIVE, INC.
NTSXSCXA	NINETY SIX	NINETY SIX	SC	UNITED TELEPHONE CO CAROLINAS DBA CENTURYLINK
NWBYSMA	NEWBERRY	NEWBERRY	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
NWELSCMA	NEWELLENTN	NEW ELLENTON	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
ODBHSCXB	NMYRTLEBCH	OCEAN DRIVE BEACH	SC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - SC
OKLDSXA	OAKLAND	OAKLAND	SC	FARMERS TELEPHONE COOPERATIVE, INC.
ORBGSCMA	ORANGEBURG	ORANGEBURG	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
PCKNSCES	PICKENS	PICKENS	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
PCLTSCMA	PACOLET	PACOLET	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
PDMTSCES	PIEDMONT	PIEDMONT	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
PELISXA	PELION	PELION	SC	PBT TELECOM, INC.
PGLDSCXA	PAGELAND	PAGELAND	SC	SANDHILL TELEPHONE COOPERATIVE, INC.
PIVLSCXA	PINEVILLE	ST STEPHEN	SC	ST STEPHEN TELEPHONE CO.
PNBHSCXA	PONDBRANCH	POND BRANCH	SC	PBT TELECOM, INC.
PNTNSCMA	PENDLETON	PENDLETON	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
PNWDSCXA	PINEWOOD	PINEWOOD	SC	FARMERS TELEPHONE COOPERATIVE, INC.
POCLSCXA	POCALLA	POCALLA	SC	FARMERS TELEPHONE COOPERATIVE, INC.
PRSRSCMA	PROSPERITY	PROSPERITY	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
PTRCSCXA	PATRICK	PATRICK	SC	SANDHILL TELEPHONE COOPERATIVE, INC.
PWISSCXA	PAWLEYS IS	PAWLEYS ISLAND	SC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - SC
RCHLSCXB	ROCK HILL	ROCK HILL	SC	ROCK HILL TELEPHONE CO.
RDLDSXA	RIDGELAND	RIDGELAND	SC	UNITED TELEPHONE CO CAROLINAS DBA CENTURYLINK
RDSPSCXA	RIDGE SPG	RIDGE SPRING	SC	PBT TELECOM, INC.
RDWYSCXA	RIDGEWAY	RIDGEWAY	SC	RIDGEWAY TELEPHONE CO., INC.
RUBYSCXA	RUBY	RUBY	SC	SANDHILL TELEPHONE COOPERATIVE, INC.
SALDSCXA	SALUDA	SALUDA	SC	UNITED TELEPHONE CO CAROLINAS DBA CENTURYLINK
SALMSCMA	SALEM	SALEM	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
SANTSCXA	SANTEE	SANTEE	SC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - SC
SBRKSCSK	CHARLESTON	JOHNS ISLAND	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
SCHLSCES	SOCIETY HL	SOCIETY HILL	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
SENCSCMA	SENECA	SENECA	SC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
SHHGSCXB	SHAWFBHTS	SHAWVIEW HEIGHTS	SC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - SC

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

IN RE:)	
)	
APPLICATION OF TEMPO TELECOM,	)	Application for Designation as an
LLC FOR DESIGNATION AS AN	)	Eligible Telecommunications
ELIGIBLE TELECOMMUNICATIONS	)	Carrier
CARRIER IN THE STATE OF SOUTH)	
CAROLINA)	
)	

EXHIBIT 9

**TEMPO TELECOM REVISED
ENROLLMENT AND CERTIFICATION FORMS**



Lifeline Subscriber Name

Address 1

City, State, ZIP

Address 2

Month, Day, Year

Time to Recertify!

In order to keep your lifeline discounts on your phone service, you must complete the recertification form and provide your benefit documentation by *April 22, 2013*.

We value your business! The Federal Government requires Tempo to recertify your eligibility once a year in order for you to continue receiving your lifeline discount. In order to continue receiving your discount you must recertify by **April 22, 2013**.

To recertify please complete the attached recertification form, and provide your documentation of income or government program eligibility. You can provide your documentation to Tempo in many ways:

- Fax the completed form to (877) 465-0545.
- Scan and e-mail the completed form to lifeline@mytempo.com.
- Take a picture of the completed form with your mobile phone and text the photo to (816) 446-3388.

We very much value your business. If you have any questions, or there is anything we can do for you, please call us at (866) 580-8411.

Thank you,

A handwritten signature in black ink that reads "Darrell Freelon". The signature is stylized with a large, looping "D" and a trailing flourish.

Darrell Freelon
Tempo Telesales Manager



Lifeline Enrollment And Recertification Form

Three Easy Steps to Complete:

Step #1 – Complete Lifeline Enrollment Form on page 3

Step #2 – Locate your Lifeline Benefit Documentation

(More info on your required documentation on pages 4 and 5)

**Step #3 – Send completed Lifeline Enrollment Form and Lifeline
Benefit Documentation to Tempo**

(There are many convenient ways to send them, check Page 4)



Lifeline Enrollment/Recertification Form

Account #: _____

This signed application is required to enroll you in the Lifeline program in your state. This application is only for the purpose of verifying your participation in these programs and will not be used for any other purpose.

Things to know about the Lifeline Program:

- Lifeline is a Federal benefit that is not transferrable to any other person;
- Lifeline service is available for only one line per household. A household cannot receive benefits from multiple providers. Not all Lifeline services are marketed under the name Lifeline, and may be offered under other names;
- A household is defined, for purposes of the Lifeline program, as any individual or group of individuals living at the same address that share income and expenses; and,
- Violation of the one-per household rule is not permitted under federal rules and will result in the subscriber's de-enrollment from the program and possible criminal prosecution by the U.S. Government.

First Name: _____ MI: _____ Last Name: _____ Date of Birth: _____

Last Four Digits of Social Security Number: _____ Contact Telephone Number: _____

Residential Address:

Must be a street address (not a P.O. Box) and your principal residence.

Address Line 1: _____

Address Line 2: _____

City, State and Zip: _____

Billing Address:

May contain a P.O. Box.

- Check here if the billing address is the same as the residential address.

Address Line 1: _____

Address Line 2: _____

City, State and Zip: _____

This Address Is: • Permanent • Temporary *(If temporary, your address must be certified or updated every 90 days.)*

- A shared, multi-household residence *(Complete Household Worksheet)*

(Initial)

If shared, multi-household residence, I hereby certify that other household adults do not contribute income and/or share expenses in my household. *Complete Household Worksheet.*

_____ I hereby certify that I qualify to participate in at least one of the following programs *(check all that apply):*

(Initial) *Please see the related documentation requirements on the reverse side.*

- Supplemental Nutrition Assistance Program (SNAP) formerly known as Food Stamps • Supplemental Security Income (SSI)
- Federal Public Housing Assistance (FPHA) or Section 8 • Low Income Home Energy Assistance Program (LIHEAP)
- National School Lunch Program's free lunch program • Temporary Assistance for Needy Families (TANF) • Medicaid

_____ I hereby certify that my household income is at or below 135% of the Federal Poverty Guidelines; there are _____ members in my household.

(initial) *Please see the Federal Poverty Guidelines and the related documentation requirements on the reverse side.*

I certify, under penalty of perjury: (Initial by Each Certification)

The information provided in this application is true and correct to the best of my knowledge; I acknowledge that willfully providing false or fraudulent information in order to receive Lifeline service is punishable by fine or imprisonment, termination of all Lifeline benefits, and being barred from participating in the Lifeline program.

_____ I acknowledge that non-usage over a consecutive 60-day period will result in my de-enrollment from this Lifeline service.

_____ I am eligible for Lifeline service through participation in the qualifying program(s) or meeting the income requirements as identified above.

_____ I have provided documentation of eligibility for Lifeline service, unless otherwise specifically exempted from providing such documentation.

I will inform Tempo within 30 days of any potential change in eligibility, including, but not limited to: (i) a move or change of address; (ii) any change in participation in the programs identified above or change in income or household members; (iii) receiving Lifeline service from another provider; or (iv) any other change that would affect my eligibility for Lifeline service. If I fail to inform Tempo of any of these changes, I understand under penalty of perjury, I may be subject to penalties.

_____ I have provided the address where I currently reside and, if a temporary address has been provided, then I acknowledge that Tempo will attempt to verify my address every 90 days, and, if I do not respond to verification attempts within 30 days, then I may be de-enrolled from my Lifeline benefits.

_____ My household will receive only one Lifeline benefit and, to the best of my knowledge, no one in my household is currently receiving Lifeline service from any other provider.

_____ I acknowledge that I will be required to annually re-certify eligibility and may be required to re-certify continued eligibility for Lifeline at any time and failure to re-certify will result in the termination of Lifeline benefits or other penalties.

_____ I authorize Tempo and its agents to access any records (including financial records) required to verify my statements herein and to confirm my eligibility for Lifeline service. I authorize government agencies and their authorized representatives to discuss with and/or provide information to Tempo and its agents verifying my participation in public assistance programs that qualify me for Lifeline service.

_____ I acknowledge and consent to my name, telephone number, and address being divulged to the Universal Service Administrative Company (USAC) (the administrator of the program) and/or its agents for the purpose of maintaining the information in a database and verifying that I, as a subscriber, do not receive more than one Lifeline benefit. In the event that USAC identifies that I am receiving more than one Lifeline subsidy for my household, all carriers involved may be notified so that I may select one service and be de-enrolled from the other.

APPLICANT SIGNATURE/TPV ID: _____

DATE: _____

FOR TEMPO OFFICE USE ONLY

Account #: _____ TPV ID: _____

Company Representative Name: _____ • Database Queried? Date: ____/____/____ Database Name: _____

• ETC Eligibility Review

Confirmation Type: Written, attached • Screenshot, attached • ETC employee

Type of Documentation: • Benefits Card • Award Letter • Voucher • State Agency Queried? Date: ____/____/____ Agency Name: _____

• Income Statement • Other _____

Agency contact: _____ Confirmation Type: • Notice, attached

How received: • In person • Fax • Email • Text Photo • Mail

Date/Expiration Date of Documentation: ____/____/____

Describe Documentation: _____ Name on Documentation: _____

Date reviewed: ____/____/____

• Applicant name different than name on documentation (Note relationship to applicant: _____)

Applicant Name: _____

_____ Certification that individual is part of applicant's household (**MUST certify with applicant in-person or verbally**)

_____ Certification that individual is does not already receive Lifeline (**MUST certify with applicant in-person or verbally**)

Representative Signature: _____ Date: _____

NOTES : _____

HOW TO SUBMIT YOUR ENROLLMENT APPLICATION:

FAX: (877) 465-0545 **EMAIL:** lifeline@mytempo.com **POSTAL MAIL :** Tempo, 2300 Main St., Suite 340, Kansas City, MO 64108.

HOW TO SUBMIT YOUR DOCUMENTATION:

TEXT A DOCUMENT: (816) 446-3388 **FAX:** (877) 465-0545 **EMAIL:** lifeline@mytempo.com **POSTAL MAIL:** Tempo, 2300 Main St., Suite 340, Kansas City, MO 64108.

DOCUMENTATION REQUIREMENTS

**You are required to provide proof of your participation in the programs you identified
OR proof of your qualifying income.**

PROGRAM ELIGIBILITY

If, on page 3 of this form, you indicated you were in a qualifying program, you must provide documentation to prove receipt of benefits under these programs to Tempo. Upon examination by Tempo, any copies, photos or faxes of your documentation will be destroyed or returned to you at your request. Acceptable forms of documentation are described below:

Public Housing Assistance (FPHA) or Section 8

There are two types of documentation that can prove receipt of benefits under the Public Housing Assistance (FPHA), or Section 8, Program.

First, an applicant can provide an award letter. A recipient of Public Housing Assistance (FPHA), or Section 8, receives an award letter from his or her local Public Housing Agency (PHA). The award letter should include the following information: name of program, date of award, name of beneficiary and award amount.

Second, an applicant can provide either a [Public Housing Assistance Lease Agreement](#)  or a Section 8 Voucher. These items should clearly reflect the type of Public Housing Assistance credit issued.

If the beneficiary does not have an award letter, lease agreement, or voucher, the applicant can contact the agency that approved the application and request formal documentation of his or her award. To find contact information for a local Public Housing Agency, please visit the U.S. Department of Housing and Urban Development's [state contact and agency listing](#).

The beneficiary named on the FPHA documentation may be a member of the Lifeline applicant's household, rather than the applicant. If the name of the beneficiary on the documentation provided does not match the name of the Lifeline applicant, Tempo must record the name of the beneficiary and confirm by receiving certification from the applicant that the named beneficiary is a member of his or her household, and that this individual does not receive Lifeline.

Low Income Home Energy Assistance Program (LIHEAP)

Because the Low Income Home Energy Assistance Program (LIHEAP) is administered by a wide range of local agencies, the program's name may vary by state (note that most include the words "energy assistance program" in the name).

There are two types of documentation applicants can provide to demonstrate receipt of LIHEAP benefits.

First, a LIHEAP participant might have an award letter from a state agency. The award letter will include the following: name of program, date of award, name of beneficiary and award amount. In some instances, if the beneficiary received notification of his or her approval in-person, the awardee might not have a formal award letter and will need to contact the state agency that approved the application to request a formal award letter.

Second, a LIHEAP participant can provide a utility bill that reflects the Housing Assistance credit. The utility bill should clearly reflect inclusion of an Energy Assistance credit.

The beneficiary named on the LIHEAP documentation may be a member of the Lifeline applicant's household, rather than the applicant. If the name of the beneficiary on the documentation provided does not match the name of the Lifeline applicant, the ETC must record the name of the beneficiary and confirm by receiving certification from the applicant that the named beneficiary is a member of his or her household, and that this individual does not receive Lifeline.

To find contact information for a local LIHEAP agency, please visit the Low Income Home Energy Assistance Program's [state contact and agency listing](#).

National School Lunch Program's Free Lunch Program (NSLP)

Although the National School Lunch Program's Free Lunch Program (NSLFP) is a federally assisted program, award letters are provided by state agencies and, thus, will vary by locality. All award letters should contain the following basic information: name of program, name of beneficiary, address of beneficiary and date of award.

The beneficiary named on the NSLP documentation may be a dependent of the Lifeline applicant, rather than the applicant. If the name of the beneficiary on the documentation provided does not match the name of the Lifeline applicant, the ETC must record the name of the beneficiary and confirm by receiving certification from the applicant that the named beneficiary is a member of his or her household, and that this individual does not receive Lifeline.

Supplemental Security Income (SSI)

Participation in the federal portion of SSI is an eligibility criterion for Lifeline. Some states offer state supplements to the federal SSI program, but receipt of benefits from the state supplement, but not federal SSI, does not qualify an individual for Lifeline. All award letters should contain the following basic information: name of program, name of beneficiary, address of beneficiary, date of award and award amount. A benefit check stub from the Social Security Administration may also be submitted as proof of participation, if the check stub clearly states the date and name of the beneficiary.

The beneficiary named on the SSI documentation may be a dependent of the Lifeline applicant, rather than the applicant. If the name of the beneficiary on the documentation provided does not match the name of the Lifeline applicant, the ETC must record the name of the beneficiary and confirm by receiving certification from the applicant that the named beneficiary is a member of his or her household, and that this individual does not receive Lifeline.

Temporary Assistance for Needy Families (TANF)

All award letters should contain the following basic information: name of program, name of beneficiary, address of beneficiary and date of award.

The beneficiary named on the TANF documentation may be a member of the Lifeline applicant's household, rather than the applicant. If the name of the beneficiary on the documentation provided does not match the name of the Lifeline applicant, the ETC must record the name of the beneficiary and confirm by receiving certification from the applicant that the named beneficiary is a member of his or her household, and that this individual does not receive Lifeline.

In some states, TANF might be more commonly referred to by a different name. Look for your state on this list of [TANF program names by state](#) .

Supplemental Nutrition Assistance Program (SNAP)

The Supplemental Nutrition Assistance Program (SNAP) was previously known as Food Stamps. Beneficiary cards and award letters may vary because SNAP is administered on a state level. Because not all beneficiary cards include the recipient's name, it is recommended that an award letter from the local state agency be used for Lifeline verification purposes. All award letters should contain the following basic information: name of program, name of beneficiary, address of beneficiary and date of award.

The beneficiary named on the SNAP documentation may be a member of the Lifeline applicant's household, rather than the applicant. If the name of the beneficiary on the documentation provided does not match the name of the Lifeline applicant, the ETC must record the name of the beneficiary and confirm by receiving certification from the applicant that the named beneficiary is a member of his or her household, and that this individual does not receive Lifeline.

In some states, SNAP might be more commonly referred to by a different name. Look for your state on this list of [SNAP program names by state](#) .

Medicaid

Each state provides its own unique Medicaid card to beneficiaries. However, most cards should clearly state the following: name of program, name of beneficiary, state of residence, issued or effective date and the name of the state agency that provided the card.

The beneficiary named on the Medicaid documentation may be a dependent of the Lifeline applicant, rather than the applicant. If the name of the beneficiary on the documentation provided does not match the name of the Lifeline applicant, the ETC must record the name of the beneficiary and confirm by receiving certification from the applicant that the named beneficiary is a member of his or her household, and that this individual does not receive Lifeline.

Some states have different names for their Medicaid programs. Look for your state on this list of [Medicaid program names by state](#) .

PROGRAM ELIGIBILITY

An applicant may be eligible for Lifeline if he or she has a household income at or below 135% of the Federal Poverty Guidelines. Below are the acceptable types of documentation:

- The prior year's state, federal, or Tribal tax return
- A current income statement from an employer or paycheck stub
- A Social Security statement of benefits
- A Veterans Administration statement of benefits
- A retirement or pension statement of benefits
- An Unemployment or Workers' Compensation statement of benefits
- A federal or Tribal notice letter of participation in General Assistance
- A divorce decree, child support award, or other official document containing income information
- If the documentation relied on does not cover a full year, such as a current pay stub, the subscriber must present the same type of documentation covering three consecutive months within the previous twelve months.

Upon examination by Tempo, any copies, photos or faxes of your documentation will be destroyed or returned to you at your request.

135% FEDERAL POVERTY GUIDELINES - 2013	
Members of Household	Household Income must be at or below
1	\$ 15,512
2	\$ 20,939
3	\$ 26,366
4	\$ 31,793
5	\$ 37,220
6	\$ 42,647
7	\$ 48,074
8	\$ 53,501
For every additional member of your household, add \$5,427.	

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

IN RE:)	
)	
APPLICATION OF TEMPO TELECOM,	)	Application for Designation as an
LLC FOR DESIGNATION AS AN	)	Eligible Telecommunications
ELIGIBLE TELECOMMUNICATIONS	)	Carrier
CARRIER IN THE STATE OF SOUTH)	
CAROLINA)	
)	

EXHIBIT 10

**TEMPO TELECOM
MARKETING MATERIALS**

FREE Cell Phone

FREE 250 Mins Every Month!

1-8XX-XXX-XXXX

You may qualify if you participate in programs such as Food Stamps or Medicaid.

No contract. No credit check. No hidden fees.

Tempo is a Lifeline supported service, a government assistance program. Only eligible customers may enroll in the program. See if you qualify for a free phone with free monthly service! Service is limited to one discount per household, consisting of either wireline or wireless service. Rules and forms of documentation necessary for enrollment are listed on reverse. Service is non-transferable.



connect

pics

friends

family

learn
talk smile
communicate

explore

text

tempo

Communications
at your pace.

FREE Cell Phone & Free Minute Plan

**Choose your FREE
monthly plan!**

250 minutes/750 Texts
-Or-
150 minutes/450 Texts
with Rollover

**Included
Features**

Nationwide Calling
Text Messaging
Caller ID
Voicemail
Additional Minute Plans
911 Service

**Call to
Qualify!**

- Tempo is a Lifeline supported service, a government assistance program. Only eligible customers may enroll in the program.
- Lifeline benefits are limited to a single line of service per household. You may not receive multiple Lifeline benefits. You may apply your Lifeline discount to either one landline or one wireless number, but you cannot have the discount on both.
- You must present Photo ID and Proof of Benefit to obtain service. You may qualify if you have Food Stamps, Medicaid or are enrolled in other governmental assistance programs.

**To sign up or ask us a question,
we're ready to help!**

1-8XX-XXX-XXXX



Forms of documentation necessary for enrollment: All subscribers will be required to demonstrate eligibility based at least on (1) Household income at or below 135% of Fed Poverty guidelines for a household of that size; OR (2) the household's participation in a qualifying state, federal or Tribal program, (a) current or prior year's statement of benefits from a qualifying state, federal or Tribal program. (b) a notice letter of participation in a qualifying state, federal or Tribal program. (c) program participation documents (eg: consumers SNAP card, Medicaid card, or copy thereof). (d) other official document evidencing the consumer's participation in a qualifying state, federal or Tribal program.

Income eligibility: prior year's state, federal or Tribal tax return, current income statement from an employer or paycheck. Social Security statement of benefits. Veterans Administration statement of benefits. Retirement/pension statement of benefits. Unemployment / Workmen's comp statement of benefits. Federal or Tribal notice letter of participation in General Assistance. Divorce decree, child support award, or other official document containing income information for at least three (3) months time. Tempo will NOT retain a copy of this documentation.

IMPORTANT: consumers who willfully make a false statement in order to obtain the Lifeline benefit can be punished by fine or imprisonment or can be barred from the program.

Tempo Telecom, LLC is an Eligible Telecommunications Carrier (ETC), doing business as Tempo.